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U. S. Department of Agriculture

United States Department of Agriculture

BUREAU OF BIOLOGICAL SURVEY

SERVICE AND REGULATORY ANNOUNCEMENTS

LAWS AND REGULATIONS FOR THE ADMINISTRATION OF THE WICHITA MOUNTAINS WILDLIFE REFUGE, OKLAHOMA

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REGULATIONS FOR THE ADMINISTRATION OF WICHITA MOUNTAINS WILDLIFE REFUGE, OKLAHOMA

By virtue of authority conferred upon the Secretary of Agriculture by section 10 of the act of February 18, 1929 (45 Stat. 1222), section 84 of the act of March 4, 1909 (35 Stat. 1104), as amended by act of April 15, 1924 (43 Stat. 98), to protect wildlife and property on Federal reservations, the act of January 24, 1905 (33 Stat. 614), and otherwise, the following regulations are hereby prescribed, effective December 2, 1936, for the administration of the Wichita Mountains Wildlife Refuge, Oklahoma.

Regulation 1.—Entry Upon the Refuge

Entry upon the refuge unless otherwise provided shall be only under appropriate permit issued for the purpose, except that permits will not be required of any person—

For admission to the headquarters of the superintendent when entry and departure are by the usual line of travel;

For through traffic and travel on the main highways under the conditions and restrictions hereinafter set forth;

For access to any part of the refuge when accompanied by the superintendent or his authorized representative;

For entry and temporary use for recreational or other appropriate purposes of any camp site or other area specifically designated for the use of the public so long as such use and occupancy is in accordance with these regulations and does not interfere with the purpose for which the refuge was established.

Regulation 2.—Recreational Areas

The following areas are hereby designated as recreational areas for the use of the public, in which camping, hiking, bathing, and fishing are permitted in accordance with these regulations:

All that part of the refuge including reservoirs and lakes lying south of and including the Scenic Highway, which runs in a general northwesterly and

southeasterly direction through the southern half of the refuge and enters and leaves the refuge in section 9, T. 3 N., R. 15 W., on the northwest and in section 24, T. 3 N., R. 14 W., on the southeast; Lake Jed Johnson, part of Lake Rush, and the Easter pageant areas, located in parts of sections 17, 18, 7, and 8, T. 3 N., R. 13 W., the Mount Scott scenic drive, the Mount Scott camp ground, and Lake Thomas areas in parts of sections 11, 12, 13, and 14, T. 3 N., R. 13 W., as designated and marked by the superintendent of the refuge; and all main-traveled roads leading thereto: *Provided*, That bathing will not be permitted in French Lake or in the so-called fish-cultural lakes extending from the Scenic Highway near headquarters to the upper end of Lost Lake on Lower West Cache Creek, and fish may be taken only from such waters within such areas as may be designated for fishing as hereinafter provided: *Provided further*, That the superintendent will designate and mark the limits of all camp grounds within the recreational areas to which camping shall be confined, and no camps shall be established or fires built at places other than such designated sites.

Camping.—(a) No camping will be permitted outside specially designated camp areas, and overnight camping is specifically forbidden for more than 7 consecutive days without special permit of the superintendent. (b) Campers shall at all times maintain the camp site occupied by them in a clean and sanitary condition, and must burn combustible rubbish on camp fires and place all other garbage and refuse in receptacles provided for that purpose; and dumping or placing garbage or other refuse or debris by any person on any camp site or other part of the refuge or the abandonment of personal property thereon is not permitted. (c) Campers shall not wash clothing or cooking utensils in any waters of the refuge, or pollute these waters in any other manner, and shall dispose of all waste water in such way as not to contaminate refuge waters. (d) Campers shall completely extinguish camp fires when no longer needed and shall smother with earth or extinguish with water all embers so that there shall be no danger of reignition; special care must be observed to prevent lighted matches, cigars, cigarettes, or pipe ashes from being dropped in grass or other inflammable material.

Bathing.—(a) Bathing will be permitted only in the reservoirs or lakes hereinbefore designated. (b) Where bath houses are furnished for the use of the public the users thereof will assume full responsibility for lost or stolen articles. (c) Bathing will be permitted in designated waters each day from May 1 to September 15, of each year, during the hours from daylight to dark, except at Quanah Parker, Burford, and Sunset Lakes, where bathing will be permitted each day until midnight: *Provided*, That the superintendent may suspend bathing privileges for such period as he deems necessary in any reservoir or lake when, in his opinion, an emergency exists, or when such bathing is not compatible with the administration of the refuge.

Fishing.—Fish may be taken for noncommercial purposes from designated reservoirs or lakes of the refuge under permit issued by the superintendent in accordance with the laws of the State of Oklahoma during such times, in such numbers, in such manner, and at such rate of charge, if any, as the Chief, Bureau of Biological Survey, may from time to time determine to be appropriate: *Provided*, That the use of live bait in taking or attempting to take fish or seining of minnows for bait in any of the waters of the refuge is prohibited: *And provided further*, That no live fish, frogs, or turtles taken elsewhere shall be liberated in the waters of the refuge without a permit from the Chief, Bureau of Biological Survey, except that permit is not required for planting game or food fish or game or food fish fry by or under the direction of the State Fish and Game Warden of Oklahoma or the United States Bureau of Fisheries.

Regulation 3.¹—Disorderly Conduct

Disturbance of the peace or disorderly conduct of any character or nature is prohibited at all times on the refuge, and no person who is visibly intoxicated will be permitted to enter or be upon the refuge. Any violation of this regulation shall invalidate the original permission accorded the offender to enter and be upon the refuge, and he shall leave the refuge as directed by the superintendent or his authorized representative, and failing to do so his presence on the area after such notice or direction shall constitute a continuous trespass for the purpose of the enforcement of these regulations and will subject him to eviction from the refuge, or to arrest and prosecution, or both.

¹ Added by order of the Secretary of Agriculture, dated Jan. 19, 1937.

Regulation 4.—Motor Vehicles

Automobiles and other motor-propelled vehicles entering the refuge shall be mechanically safe and in good operating condition and shall be operated in accordance with the following conditions and restrictions:

Such vehicles shall be confined to highways, roads, camp grounds, and parking areas designated for travel and public use and shall be so operated as to be under safe control at all times; the speed shall be kept within such limits as may be necessary to avoid accidents, or injury to wild animals or birds on the refuge; the speed of automobiles and other motor-propelled vehicles, except cars used by Government officials in case of emergency or in law enforcement work on the refuge, is limited to 35 miles an hour on all roads, highways, and designated routes within the refuge except at specific points so designated, where a different limit may be determined by the superintendent to be in the interest of safety. The operation of motor-propelled vehicles within the refuge shall conform to the laws of the State of Oklahoma governing the operation of such vehicles except where further restricted by or under this regulation. Drivers of all vehicles shall comply with directions of all official traffic signs and the personal direction of the superintendent or his authorized representative when directing traffic within the refuge on any special occasion or under congested traffic conditions. No person who is under the influence of intoxicating liquor shall operate or drive a motor-propelled vehicle of any kind on any road or highway or in any other part of the refuge. Any violation of traffic regulations within the refuge shall invalidate the original permission accorded the offender to enter the refuge and he shall remove his vehicle from and personally leave the refuge as directed by the superintendent or his authorized representative, and his presence on the area shall be deemed a continuous trespass for the purpose of enforcement of these regulations and will subject him to ejection from the refuge or to arrest and prosecution, or both, and each violation shall constitute a separate offense.

Regulation 5.—Preservation of Public Property and Natural Features

The destruction, injury, defacement, removal, or disturbance in any manner of any building, notice, sign, signboard, equipment, fence, post, road, trail, dike, dike embankment, dam, bridge, fireplace, grate, table, bench, camp equipment, or of any other public property of any kind; or of any tree, flower, vegetation, rock, or soil; or of any animal, bird, or other form of wildlife is prohibited, and any offender of the acts herein forbidden shall be subject to the penalties provided by law.

Regulation 6.—Scientific Studies

Entry upon the refuge for scientific study, for taking photographs thereon, or for other like purposes, when not inconsistent with the objects for which the refuge was established, may be allowed under permit and under such conditions as may be prescribed by the superintendent.

Regulation 7.—Removal of Surplus and Injurious Objects

The removal of surplus or injurious animal life or other products of the refuge and the disposal thereof in accordance with law, regulations, and orders of the Secretary of Agriculture, shall be made by the superintendent under the direction of the Chief, Bureau of Biological Survey.

Regulation 8.—Domestic Animals

The ranging or grazing of cattle or other domestic stock upon the refuge, the running at large or release of dogs or cats thereon, or allowing the entry of any such animals upon the refuge for any purpose except as specifically authorized under these regulations, is not permitted.

Regulation 9.—Economic Utilization of Resources

Permits to graze livestock, harvest hay or stock feed, remove timber or firewood, occupy or cultivate areas, use any materials of commercial value, or make other use of the refuge not inconsistent with its objects may be issued

by the superintendent under such conditions as may be deemed appropriate, and at such rates of charge, if any, as may be ascertained and determined to be commensurate with the value of the privilege granted, by the Chief, Bureau of Biological Survey. Any domestic animal grazed on or using the refuge under permit that may die on the refuge shall be buried immediately by the owner or person having charge of such animal, at least 2 feet under ground and not less than one-fourth mile from any road, trail, highway, camp site, or occupied area as directed by the superintendent or his authorized representative.

Regulation 10.—Application for Permits

Applications for permits shall be made in writing, addressed to the superintendent of the refuge, when the permits are authorized to be issued by him; otherwise to the Chief, Bureau of Biological Survey, Washington, D. C.

Regulation 11.—Private Operations and Advertising

No person, firm, or corporation shall engage in or solicit any business or erect buildings within the refuge without a permit issued by the superintendent upon such conditions and at such rates of charge, if any, as may be ascertained and determined by the Chief, Bureau of Biological Survey. Private notices or advertisements may not be posted, distributed, or displayed within the boundaries of the refuge, except that this prohibition shall not apply to names, addresses, and business designations of a permanent nature regularly carried on trucks, business automobiles, or other vehicles.

Regulation 12.—Firearms

Carrying, possessing, or discharging firearms on the refuge is not permitted: *Provided*, That the superintendent and other employees of the Department of Agriculture engaged in law enforcement or predator or rodent control may carry and use firearms on the refuge in the performance of official duties: *Provided further*, That persons authorized by permit of the Secretary of Agriculture, countersigned by the Chief, Bureau of Biological Survey, to take specimens of wildlife for scientific purposes on the refuge may use firearms when necessary in collecting such specimens. Persons crossing the refuge may carry or transport unloaded, dismantled, or cased firearms over regularly established routes of travel.

Regulation 13.—Exhibition and Revocation of Permits

The holder of a permit shall exhibit it for inspection at any reasonable time upon request of any officer or employee of the Department of Agriculture engaged in the administration or enforcement of any law or regulation applicable to the refuge. A permit may be terminated at any time by agreement between the superintendent and the permittee; it may be revoked by the Chief, Bureau of Biological Survey, for noncompliance with the terms thereof or of these regulations, for nonuse, or for violation of any law, regulation, or order applicable to the refuge, or for violation of any State or Federal law protecting wildlife or the nests or eggs of birds; and it is subject at all times to discretionary revocation by the Secretary of Agriculture.

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the City of Washington, this 2d day of December 1936.

[SEAL]

H. A. WALLACE, *Secretary of Agriculture.*

LAW PROTECTING WILD ANIMALS AND BIRDS AND THEIR EGGS AND GOVERNMENT PROPERTY ON FEDERAL REFUGES

[U. S. Code, title 18, Criminal Code and Criminal Procedure]

SEC. 145. Whoever shall hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatever, or take or destroy the eggs of any such bird on any lands of the United States which have been set apart or reserved

as refuges or breeding grounds for such birds or animals by any law, proclamation, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, or who shall willfully injure, molest, or destroy any property of the United States on any such lands shall be fined not more than \$500, or imprisoned not more than six months, or both. (Sec. 84, act of Mar. 4, 1909, as amended Apr. 15, 1924, 43 Stat. 98.)

EXTRACT FROM THE MIGRATORY BIRD CONSERVATION ACT

[U. S. Code, Title 16, Conservation]

SEC. 715i. That no person shall knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this act, or cut, burn, or destroy any timber, grass, or other natural growth on said area or on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve of reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof, or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture . . . (Sec 10, act of Feb. 18, 1929, 45 Stat. 1222.)

ACT REGULATING FIRES ON PUBLIC DOMAIN

[U. S. Code, title 18, Criminal Code and Criminal Procedure]

SEC. 106. Whoever shall willfully set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be fined not more than \$5,000 or imprisoned not more than two years, or both. (Act of Mar. 4, 1909, sec. 52—35 Stat. 1098.)

SEC. 107. Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (Act of Mar. 4, 1909, sec. 53—35 Stat. 1098.)

PROCLAMATION ESTABLISHING GAME PRESERVE ON WICHITA NATIONAL FOREST

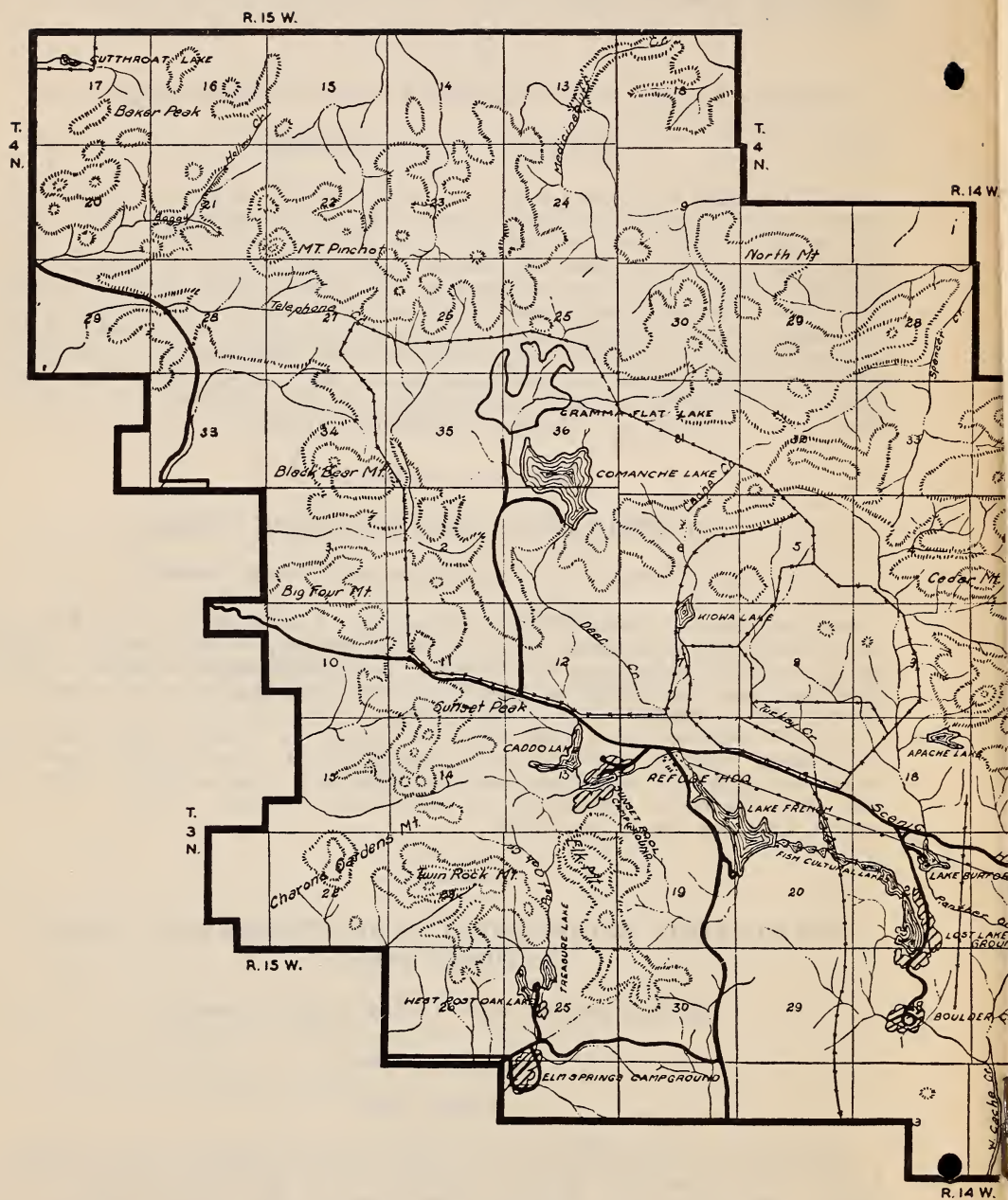
By the President of the United States of America

A PROCLAMATION

[34 Stat. 3062]

WHEREAS, it is provided by the act of Congress, approved January twenty-fourth, nineteen hundred and five, entitled "An act for the protection of wild animals and birds in the Wichita Forest Reserve", That the President of the United States is hereby authorized to designate such areas in the Wichita Forest Reserve as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor.

"SEC. 2. That when such areas have been designated as provided for in section one of this act, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time, by the Secretary of Agriculture; and any person violating such regulations or the provisions of this Act shall be deemed guilty of a misde-



R 15 W.

T. 4 N.

T. 4 N.

R 14 W

BUREAU OF BIOLOGICAL SURVEY
DIVISION OF GAME MANAGEMENT

WICHITA MOUNTAINS WILDLIFE REFUGE

OKLAHOMA

SCALE

0 1/2 1 2 3 4 MILES

T. 3 N.

R 15 W.

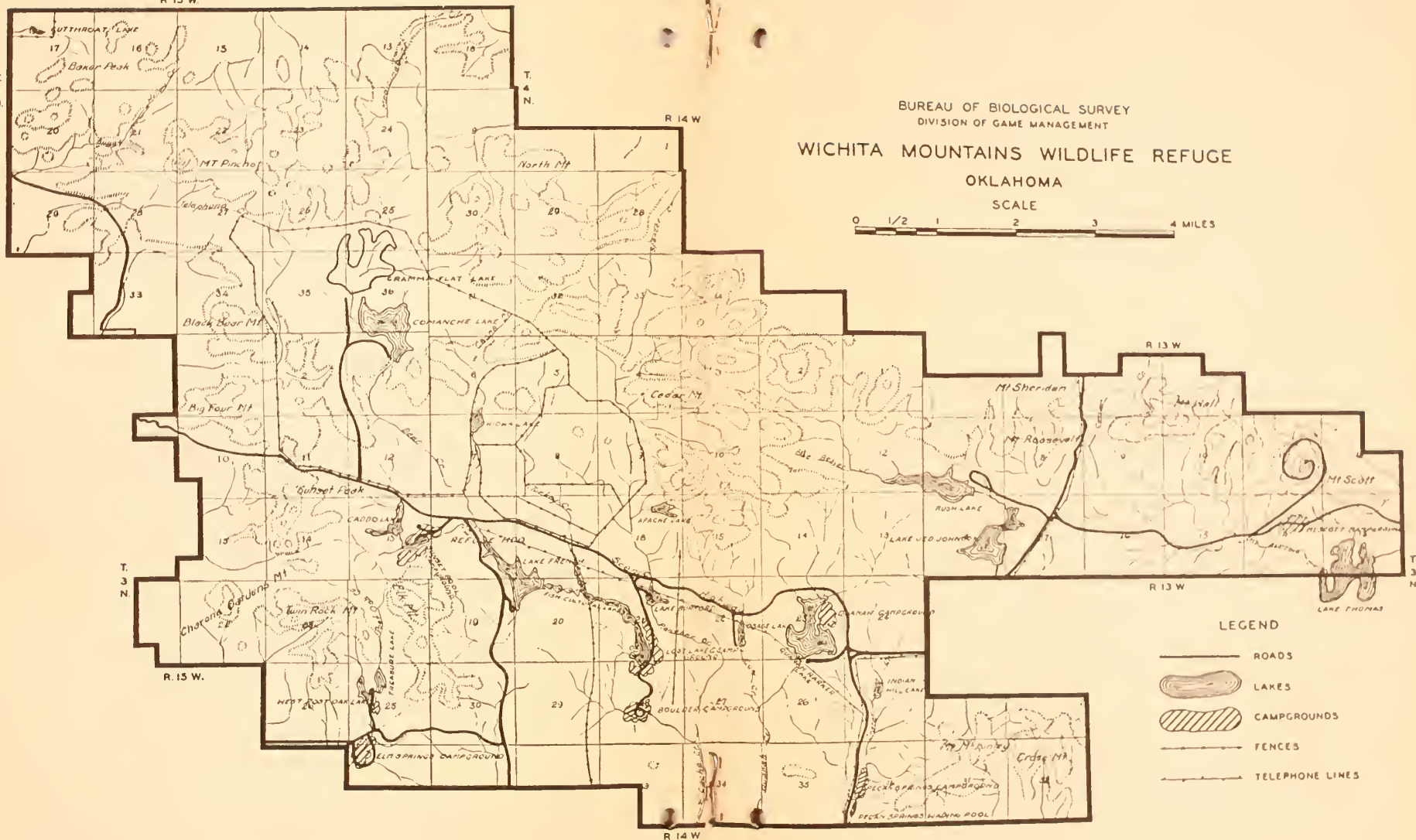
R 14 W

R 13 W

R 13 W

LEGEND

- ROADS
- LAKES
- CAMPGROUNDS
- FENCES
- TELEPHONE LINES



meanor, and shall, upon conviction in any United States court of competent jurisdiction be fined in a sum not exceeding one thousand dollars or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court.

"SEC. 3. That it is the purpose of this act to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State, or Territorial lands." (Act of Jan. 24, 1905, 33 Stat. 614.)

And whereas, for the purpose of giving this act effect, it appears desirable that the entire Wichita Forest Reserve be declared a game preserve;

NOW, THEREFORE, I, THEODORE ROOSEVELT, President of the United States, by virtue of the power in me vested by the aforesaid Act of Congress, do hereby make known and proclaim that the Wichita Forest Reserve, in the Territory of Oklahoma, is designated and set aside for the protection of game animals and birds, and shall be recognized as a breeding place therefor, and that the hunting, trapping, killing or capturing of game animals and birds upon the lands of the United States within the limits of said area is unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 2nd day of June, in the year [SEAL] of our Lord one thousand nine hundred and five, and of the Independence of the United States the one hundred and twenty-ninth.

By the President:

T. ROOSEVELT.

FRANCIS B. LOOMIS,

Acting Secretary of State.

BOUNDARY DESCRIPTION OF THE WICHITA MOUNTAINS WILDLIFE REFUGE

The following is a description of the lands embraced in the Wichita Forest Reserve as established by Proclamation of July 4, 1901 (32 Stat. 1973), which was designated as a game preserve by the proclamation of June 2, 1905:

Beginning at the south-east corner of township three (3) north, range fourteen (14) west, Indian Meridian, Territory of Oklahoma; thence north along the township line to the north-east corner of section twenty-four (24), township three (3) north, range fourteen (14) west; thence east on the section line to the south-east corner of section thirteen (13), township three (3) north, range thirteen (13) west; thence north along the range line between ranges twelve (12), and thirteen (13) west, to the north-east corner of the south-east quarter of section twelve (12), township three (3) north, range thirteen (13) west; thence west to the south-west corner of the north-west quarter of section twelve (12), township three (3) north, range thirteen (13) west; thence north to the south-west corner of section one (1), township three (3) north, range thirteen (13) west; thence west along the section line between sections two (2) and eleven (11), to the south-west corner of section two (2), township three (3) north, range thirteen (13) west; thence north along the section line between sections two (2) and three (3) to the south-east corner of the north-east quarter of section three (3), township three (3) north, range thirteen (13) west; thence west along the center line of sections three (3), four (4), five (5), and six (6), to the south-west corner of the northwest quarter of section six (6), township three (3), north, range thirteen (13) west; thence north along the range line between ranges thirteen (13) and fourteen (14) west to the north-east corner of section one (1), township three (3) north, range fourteen (14) west; thence west along the township line between townships three (3) and four (4) north to the north-west corner of section two (2), township three (3) north, range fourteen (14) west; thence north to the northeast corner of section thirty-four (34), township four (4) north, range fourteen (14) west; thence west to the northwest corner of section thirty-four (34), township four (4) north, range fourteen (14) west; thence north to the northeast corner of the southeast quarter of section twenty-one (21), township four (4) north, range fourteen (14) west; thence west to the southwest corner of the northwest quarter of section twenty (20), township four (4) north, range fourteen (14) west; thence north to the northeast corner of section eighteen (18), township four (4) north, range fourteen (14) west; thence west to the northwest corner of section seven-

teen (17), township four (4) north, range fifteen (15) west; thence south to the southwest corner of section twenty-nine (29), township four (4) north, range fifteen (15) west; thence east to the southeast corner of section twenty-nine (29), township four (4) north, range fifteen (15) west; thence south to the southwest corner of section thirty-three (33), township four (4) north, range fifteen (15) west; thence east to the southwest corner of said section thirty-three (33), township four (4) north, range fifteen (15) west; thence south to the southwest corner of the northwest quarter of section ten (10), township three (3) north, range fifteen (15) west; thence east to the southeast corner of the northeast quarter of said section ten; thence south to the southwest corner of section twenty-six (26), township three (3) north, range fifteen (15) west; thence east to the southeast corner of said section twenty-six (26); thence south to the southwest corner of the northwest quarter of section thirty-six (36), township three (3) north, range fifteen (15) west; thence east to the center of section thirty-three (33), township three (3) north, range fourteen (14) west; thence south to the southwest corner of the southeast quarter of said section thirty-three (33); thence east along the township line between townships two (2) and three (3) north to the southeast corner of township three (3) north, range fourteen (14) west, the place of beginning.

ORDER RESPECTING ADMINISTRATION OF THE WICHITA NATIONAL FOREST AND GAME PRESERVE

In order to accommodate the game management program of the Bureau of Biological Survey on the Wichita Game Refuge, on the Wichita National Forest, established pursuant to authority contained in the act of January 24, 1905 (33 Stat., 614), to the administration of the area comprising said national forest and game preserve and under authority of section 161, Revised Statutes and otherwise, it is ordered that, effective April 1, 1935, the administration of said national forest and game preserve will be under the supervision of the Chief of the Bureau of Biological Survey, and the Forester is hereby authorized and directed to cooperate with the Chief of said Biological Survey in all ways practicable in carrying out the purposes and objects of this order.

H. A. WALLACE, *Secretary*.

MARCH 5, 1935.

EXECUTIVE ORDER ENLARGING WICHITA NATIONAL GAME PRESERVE

By virtue of and pursuant to the authority vested in me as President of the United States, and in order to effectuate further the purpose of the act of January 24, 1905 (33 Stat. 614), for the protection of wild animals and birds in the Wichita National Forest, in Oklahoma, it is ordered that, subject to valid existing rights, the following-described lands within the Wichita National Forest be, and they are hereby, designated and set aside for the use of the Department of Agriculture as an addition to the Wichita National Game Preserve as established by proclamation of June 2, 1905 (34 Stat. 3062):

INDIAN MERIDIAN

- T. 3 N., R. 13 W., sec. 3, S $\frac{1}{2}$ NW $\frac{1}{4}$;
 sec. 4, S $\frac{1}{2}$ NE $\frac{1}{4}$;
 sec. 5, lot 2, and SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 sec. 12, NW $\frac{1}{4}$;
 sec. 29, lots 1 to 4, inclusive, and N $\frac{1}{2}$ S $\frac{1}{2}$;
 sec. 30, lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 sec. 31, all;
 sec. 32, all.
 T. 4 N., R. 14 W., sec. 35, S $\frac{1}{2}$.
 T. 3 N., R. 15 W., sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$;
 sec. 10, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 sec. 15, lot 4, NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and SE $\frac{1}{4}$;
 sec. 21, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 sec. 22, all.
 T. 4 N., R. 15 W., sec. 32, E $\frac{1}{2}$ SE $\frac{1}{4}$.

It is unlawful within this area (a) to hunt, trap, capture, willfully disturb, or kill any wild animal or bird, to occupy or use any part of the reservation, or to enter thereon for any purpose, except under such rules and regulations

as may be prescribed by the Secretary of Agriculture; (b) to cut, burn, or destroy any timber, underbrush, grass, or other natural growth; (c) willfully to leave fire or to suffer it to burn unattended near any forest, timber, or other inflammable material; (d) after building a fire in or near any forest, timber, or other inflammable material, to leave it without totally extinguishing it; and (e) willfully to injure, molest, or destroy any property of the United States.

All persons are hereby informed that sections 52, 53 (as amended), and 84 (as amended) of the Criminal Code of the United States (secs. 106, 107, 145, title 18, U. S. C. O., and section 14 of the Migratory Bird Conservation Act of February 18, 1929 (sec. 715m, title 16, U. S. C.)), prescribe penalties for the commission of the offenses enumerated in the preceding paragraph.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,

July 26, 1935.

[No. 7116]

PROVISION IN THE AGRICULTURAL APPROPRIATION ACT TRANSFERRING JURISDICTION TO THE BIOLOGICAL SURVEY OVER THE WICHITA NATIONAL FOREST AND GAME PRESERVE AND DESIGNATING THE AREA AS THE WICHITA MOUNTAINS WILDLIFE REFUGE

[Act of June 4, 1936, 49 Stat. 1446]

Maintenance of mammal and bird reservations: For the maintenance of the Montana National Bison Range, . . . the Wichita National Forest and Game Preserve, to constitute and be designated and administered as the Wichita Mountains Wildlife Refuge, and other reservations and for the maintenance of game introduced into suitable localities on public lands under supervision of the Biological Survey, including construction of fencing, wardens' quarters, shelters for animals, landings, roads, trails, bridges, ditches, telephone lines, rockwork, bulkheads, and other improvements necessary for the economical administration and protection of the reservations, and for the enforcement of section 84 of the act approved March 4, 1909 (U. S. C., title 18, sec. 145), entitled "An act to codify, revise, and amend the penal laws of the United States", and acts amendatory thereto, and section 10 of the Migratory Bird Conservation Act of February 18, 1929 (U. S. C., title 16, sec. 715i). . . . *Provided*, That . . . \$1,000 may be used for the maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge.

REVOCATION OF FORMER PROCLAMATIONS

WICHITA NATIONAL FOREST—OKLAHOMA

By the President of the United States of America

A PROCLAMATION

WHEREAS it appears that it would be in the public interest to revoke the proclamations of July 4, 1901 (32 Stat. 1973), May 29, 1906 (34 Stat. 3207), and October 13, 1910 (36 Stat. 2754), establishing, enlarging, and modifying the Wichita National Forest, Oklahoma:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the act of June 4, 1897, 30 Stat. 1, 11, 36 (16 U. S. C., sec. 473), and upon the recommendation of the Secretary of Agriculture, do hereby revoke the aforesaid proclamations.

This proclamation is not intended to release any lands from the game preserve known as the Wichita Mountains Wildlife Refuge, as established, enlarged, and designated by the proclamation of June 2, 1905 (34 Stat. 3062), by

the executive order of July 26, 1935 (No. 7116), and by the provision in the Department of Agriculture Appropriation Act, 1937, approved June 4, 1936.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 27 day of November in the year of our Lord one thousand nine hundred and thirty-six, and of the independence of the United States of America the one hundred and sixty-first.

FRANKLIN D. ROOSEVELT.

By the President:

R. WALTON MOORE.

Acting Secretary of State.

[No. 2211]

LAW PROVIDING PUNISHMENT FOR KILLING OR ASSAULTING FEDERAL OFFICERS

[Act of Feb. 8, 1936, 49 Stat. 1105]

That whoever shall kill, as defined in sections 273 or 274 of the Criminal Code, any United States marshal or deputy United States marshal, special agent of the Federal Bureau of Investigation of the Department of Justice, post-office inspector, Secret Service operative, any officer or enlisted man of the Coast Guard, any employee of any United States penal or correctional institution, any officer of the Customs Service or of the Internal Revenue Service, any immigrant inspector or any immigration patrol inspector, any officer or employee of the Department of Agriculture designated by the Secretary of Agriculture to enforce any act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Division of Grazing of the Department of the Interior, or any officer or employee of the Indian field service of the United States, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under section 275 of the Criminal Code.

SEC. 2. Whoever shall forcibly resist, oppose, impede, intimidate, or interfere with any person designated in section 1 hereof while engaged in the performance of his official duties, or shall assault him on account of the performance of his official duties, shall be fined not more than \$5,000, or imprisoned not more than 3 years, or both; and whoever, in the commission of any of the acts described in this section, shall use a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than 10 years, or both.

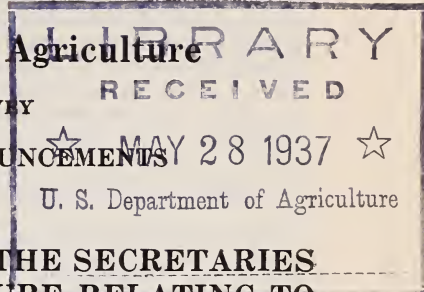


United States Department of Agriculture

BUREAU OF BIOLOGICAL SURVEY

SERVICE AND REGULATORY ANNOUNCEMENTS

U. S. Department of Agriculture



LAWS AND JOINT REGULATIONS OF THE SECRETARIES OF THE INTERIOR AND AGRICULTURE RELATING TO THE PROTECTION AND ADMINISTRATION OF GAME RANGES, OR WILDLIFE REFUGES, ESTABLISHED IN CONJUNCTION WITH THE ORGANIZATION OF GRAZING DISTRICTS UNDER THE TAYLOR GRAZING ACT ¹

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JOINT REGULATIONS OF THE SECRETARIES OF THE INTERIOR AND AGRICULTURE RELATING TO THE PROTECTION AND ADMINISTRATION OF GAME RANGES, OR WILDLIFE REFUGES, ESTABLISHED IN CONJUNCTION WITH THE ORGANIZATION OF GRAZING DISTRICTS UNDER THE TAYLOR GRAZING ACT

[2 F. R. 590]

By virtue of authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1229), and in the Secretary of Agriculture by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), and section 84 of the Penal Code of the United States as amended by the act of April 15, 1924 (43 Stat. 98), and pursuant to Executive Order No. 7373, of May 20, 1936, establishing the Desert Game Range, and like orders heretofore or hereafter made, establishing such game ranges, or wildlife refuges, the following regulations for the protection of wildlife, the regulation of grazing, and the administration of game ranges, or wildlife refuges, established in conjunction with the organization of grazing districts under the terms of the Act of June 28, 1934, commonly known as the Taylor Grazing Act, are hereby prescribed and shall be effective from March 1, 1937:

Regulation 1.—Protection of Wildlife

It is not permitted to hunt, trap, catch, disturb, or kill, or attempt to hunt, trap, catch, disturb, or kill any wild bird or other animal, or to take or molest the nests or eggs of such birds, on any such game ranges, or wildlife refuges, except when authorized by permit issued by or under the authority of the

¹ Applications for grazing licenses should be addressed to the Regional Grazier, Division of Grazing, in charge of the region in which the land is located. Permits to cut and remove timber should be addressed to the Special Agent in Charge, Division of Investigations, Department of the Interior, of the region in which the lands are located.

Secretary of Agriculture: *Provided*, That duly authorized grazing permittees and employees of the Departments of Agriculture and the Interior engaged in the control of predatory animals and rodents may trap or otherwise take such rodents, predatory animals, or predacious birds when in the opinion of the Chief, Bureau of Biological Survey, control measures are necessary to reduce the numbers of such animals or birds in order to safeguard the perpetuation of other species of wildlife, to protect livestock, or to conserve grazing resources, or to retard soil erosion.

Regulation 2.—Acts not Permitted on Game Ranges, or Wildlife Refuges

The following acts are not permitted on lands of the United States within such game ranges, or wildlife refuges:

a. Setting on fire, or causing to be set on fire any timber, brush, or grass, except as authorized by the resident officer in charge of such area.

b. Building a camp fire in leaves, rotten wood, or other places where it is likely to spread; against large or hollow logs or stumps where it is difficult to extinguish it completely; or in any other dangerous place, or during windy weather, without confining it to holes or cleared spaces from which all vegetation or other inflammable material has been removed.

c. Leaving a camp fire unattended or not completely extinguished.

d. Disturbing, molesting, or interfering, by intimidation, threat, assault, or otherwise, with any person engaged in the management of wildlife or livestock on such ranges, or refuges, or the prevention of trespass thereon.

e. Unless authorized by permit from the resident officer in charge, the carrying of a firearm, except by authorized Federal or State officers.

f. Throwing or placing a burning cigarette, match, pipe heel, firecracker, or any ignited substance in any place where it may start a fire; or discharging any kind of fireworks on any part of such ranges, or refuges.

g. The destruction, injury, defacement, removal, or disturbance in any manner, of any building, notice, sign, signboard, equipment, fence, post, road, trail, dike, dike embankment, dam, bridge, or other structure, or of any other public property of any kind on such ranges, or refuges.

h. Entering, occupying, or using, without permission from the officer in charge, any building of the United States on such areas used for administration purposes by the Division of Grazing, of the Department of the Interior, or by the Bureau of Biological Survey, of the Department of Agriculture, except in case of emergency to prevent human suffering.

i. The entering or being upon such land with intent to destroy, molest, disturb, or injure property used, or acquired for use, by the United States, in the administration of such areas.

j. The dumping of garbage, or other refuse or debris, or the draining or dumping of oil, acids or poisons in, or otherwise polluting any waters, waterholes, or streams within any such ranges, or refuges.

Regulation 3.—Grazing

No cattle, sheep, horses, or other livestock are permitted to graze on the public lands within the exterior boundaries of such game ranges, or refuges, except under permit of the Secretary of the Interior and in accordance with such conditions as he may prescribe therein, and no grazing is permitted on lands within the exterior boundaries of such game ranges, or refuges, which have been or which hereafter may be acquired by the United States for use of the Department of Agriculture for the conservation of migratory birds and other wildlife, except under permit of the Secretary of Agriculture and in accordance with such conditions as he may prescribe therein.

Regulation 4.—Specimens for Scientific, Exhibition, or Propagating Purposes

Specimens of plant and animal life or other natural objects on any range, or refuge, may be taken for scientific, exhibition, or propagating purposes, under special permit issued by the Secretary of Agriculture and countersigned by the Chief, Bureau of Biological Survey, but no such permit shall be deemed to authorize the taking, possession, transportation, or sale of any wildlife, or the nests or eggs of birds, contrary to State or Federal law.

Regulation 5.—Scientific Studies

Any person may enter upon any such range, or refuge, for scientific study, the taking of photographs thereon, or for other like purposes, but must comply with these regulations, and the rules for the administration of grazing districts.

Regulation 6.—Removal of Surplus Animals

Whenever it shall appear after investigation that the number of any species of game animal on any such range, or refuge, shall have increased beyond the numbers specified in the Executive order establishing the particular range, it shall be the duty of the Chief, Bureau of Biological Survey, Department of Agriculture, and the Director, Division of Grazing, Department of the Interior, jointly to determine the number of surplus animals it is desirable to remove from such range, or refuge, and upon such determination such surplus animals may be removed under such conditions and in the manner authorized or prescribed by the Chief, Bureau of Biological Survey.

Regulation 7.—Economic Utilization of Resources

Permits to cut and remove timber or firewood, occupy or cultivate areas, use any material of commercial value, or make other like use of any lands within the exterior boundaries of such ranges, or refuges, which lands have been or may hereafter be acquired by the United States for the use of the Department of Agriculture for the conservation of migratory birds or other wildlife, not inconsistent with the objects for which such ranges, or refuges, were established, may be issued by the Chief, Bureau of Biological Survey, upon such terms and at such rates of charge, if any, as may be ascertained and determined by him to be commensurate with the value of the privilege given by such permits. Permits for like purposes as to other lands within such ranges, or refuges, may be issued in conformity with rules and regulations of the Department of the Interior covering such usage: *Provided*, That in order to safeguard the food and cover requirements for wildlife, permits to remove timber or firewood from the range, or refuge, shall not be issued until applications therefor have first been approved by the resident officer of the Bureau of Biological Survey and timber permittees shall make such disposition of brush, tops, lops, slashings, and other forest debris resulting from timber operations as such officer may prescribe.

Regulation 8.—Fishing

Any person may enter upon any range, or refuge, for the purpose of fishing in accordance with the laws of the State in which such range, or refuge, is located, but must comply with the provisions of these regulations, and the rules for the administration of grazing districts.

Regulation 9.—Exhibition and Revocation of Permits

Permits shall be exhibited for inspection at any reasonable time upon request of any officer or employee of the Department of the Interior or of the Department of Agriculture engaged in the administration of such ranges, or refuges, or in the enforcement of laws and regulations applicable to wildlife. Any permit may be terminated at any time by agreement between the issuing officer and the permittee; it may be revoked by the Chief, Division of Grazing, Department of the Interior, or his designated representative, if issued by or under his authority, or by the Chief, Bureau of Biological Survey, or his designated representative, if issued by or under his authority, for noncompliance with the terms thereof or of these regulations, for nonuse, or for violation of any law or regulation applicable to the game range, or wildlife refuge, or of any State or Federal law protecting wildlife or the nests or eggs of birds; and it is subject at all times to discretionary revocation by the Secretary under whose authority it was issued.

[SEAL]

FEBRUARY 13, 1937.

[SEAL]

FEBRUARY 26, 1937.

H. A. WALLACE,
Secretary of Agriculture.

CHARLES WEST,
Acting Secretary of the Interior.

LAW PROTECTING WILD ANIMALS AND BIRDS AND THEIR EGGS AND GOVERNMENT PROPERTY ON FEDERAL REFUGES

[U. S. Code, title 18, Criminal Code and Criminal Procedure]

SEC. 145. Whoever shall hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatever, or take or destroy the eggs of any such bird on any lands of the United States which have been set apart or reserved as refuges or breeding grounds for such birds or animals by any law, proclamation, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, or who shall willfully injure, molest, or destroy any property of the United States on any such lands shall be fined not more than \$500, or imprisoned not more than 6 months, or both. (Sec. 84, act of Mar. 4, 1909, as amended Apr. 15, 1924, 43 Stat. 98.)

EXTRACT FROM THE MIGRATORY BIRD CONSERVATION ACT

[U. S. Code, title 16, Conservation]

SEC. 715i. That no person shall knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike embankment, flume, spillway, or other improvement or property of the United States . . . or cut, burn, or destroy any timber, grass, or other natural growth . . . on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof, or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture . . . (Sec. 10, act of Feb. 18, 1929, 45 Stat. 1222.)

ACT REGULATING FIRES ON PUBLIC DOMAIN

[U. S. Code, title 18, Criminal Code and Criminal Procedure]

SEC. 106. Whoever shall willfully set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be fined not more than \$5,000 or imprisoned not more than 2 years, or both. (Act of Mar. 4, 1909, sec. 52, 35 Stat. 1098.)

SEC. 107. Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both. (Act of Mar. 4, 1909, sec. 53, 35 Stat. 1098.)

LAW PROVIDING PUNISHMENT FOR KILLING OR ASSAULTING FEDERAL OFFICERS

[Act of Feb. 8, 1936, 49 Stat. 1105]

That whoever shall kill, as defined in sections 273 or 274 of the Criminal Code, any United States marshal or deputy United States marshal, special agent of the Federal Bureau of Investigation of the Department of Justice, post-office inspector, Secret Service operative, any officer or enlisted man of the Coast Guard, any employee of any United States penal or correctional institution, any officer of the Customs Service or of the Internal Revenue Service, any immigrant inspector or any immigration patrol inspector, any officer or employee of the Department of Agriculture designated by the Secretary of Agriculture to enforce any act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Division of Grazing of the Department of the Interior, or any officer or employee of the Indian field service of the United States, while engaged in the

performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under section 275 of the Criminal Code.

SEC. 2. Whoever shall forcibly resist, oppose, impede, intimidate, or interfere with any person designated in section 1 hereof while engaged in the performance of his official duties, or shall assault him on account of the performance of his official duties, shall be fined not more than \$5,000, or imprisoned not more than 3 years, or both; and whoever, in the commission of any of the acts described in this section, shall use a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than 10 years, or both.

FORM OF EXECUTIVE ORDER ESTABLISHING A GAME RANGE

By virtue of and pursuant to the authority vested in me as President of the United States and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and subject to the conditions therein expressed and to all valid existing rights, it is ordered that the following-described lands, insofar as title thereto is in the United States, be, and they are hereby, withdrawn from settlement, location, sale, or entry and reserved and set apart for the conservation and development of natural wildlife resources and for the protection and improvement of public grazing lands and natural forage resources: *Provided*, That nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws: *Provided further*, That any lands within the described area that are otherwise withdrawn or reserved will be affected hereby only insofar as may be consistent with the uses and purposes for which such prior withdrawal or reservation was made: *And provided further*, That upon the termination of any private right to, or the appropriation of, any public lands within the exterior limits of the area included in this order, or upon the revocation of prior withdrawals unless expressly otherwise provided in the order of revocation, the lands involved shall become part of this preserve:

[*Here follows the description of lands included in the game range.*]

This range, or preserve, insofar as it relates to the conservation and development of wildlife, shall be under the joint jurisdiction of the Secretaries of the Interior and Agriculture, and they shall have power jointly to make such rules and regulations for its protection, administration, regulation, and improvement, and for the removal and disposition of surplus game animals, as they may deem necessary to accomplish its purposes, and the range, or preserve, being within grazing districts duly established pursuant to the provisions of the act of June 28, 1934, ch. 865, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, shall be under the exclusive jurisdiction of the Secretary of the Interior, so far as it relates to the public grazing lands and natural forage resources thereof: *Provided, however*, That the natural forage resources therein shall be first utilized for the purpose of sustaining in a healthy condition a maximum of [*the order will here set forth the primary species for which the range is established*], the primary species, and such nonpredatory secondary species in such numbers as may be necessary to maintain a balanced wildlife population, but in no case shall the consumption of forage by the combined population of the wildlife species be allowed to increase the burden of the range dedicated to the primary species: *Provided further*, That all the forage resources within this range, or preserve, shall be available, except as herein otherwise provided with respect to wildlife, for domestic livestock under rules and regulations promulgated by the Secretary of the Interior under the authority of the aforesaid act of June 28, 1934, as amended: *And provided further*, That land within the exterior limits of the area herein described, acquired and to be acquired by the United States for the use of the Department of Agriculture for the conservation of migratory birds and other wildlife, shall be and remain under the exclusive administration of the Secretary of Agriculture and may be utilized for public grazing purposes only to such extent as may be determined by the said Secretary to be compatible with the utilization of said lands for the purposes for which they were acquired as aforesaid under regulations prescribed by him.

The reservation made by this order supersedes as to the above-described lands the temporary withdrawal for classification and other purposes made by Executive order no. [*temporary withdrawal orders are superseded by the orders establishing the ranges*].

This preserve shall be known as the ————— Game Range.



United States Department of Agriculture

BUREAU OF BIOLOGICAL SURVEY

SERVICE AND REGULATORY ANNOUNCEMENTS

TEXT OF FEDERAL LAWS RELATING TO THE PROTECTION OF WILDLIFE

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CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN FOR THE PROTECTION OF MIGRATORY BIRDS IN THE UNITED STATES AND CANADA¹

[39 Stat. 1702]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas a convention between the United States of America and the United Kingdom of Great Britain and Ireland for the protection of migratory birds in the United States and Canada was concluded and signed by their respective plenipotentiaries at Washington on the 16th day of August 1916, the original of which convention is word for word as follows:

Whereas many species of birds in the course of their annual migrations traverse certain parts of the United States and the Dominion of Canada; and

Whereas many of these species are of great value as a source of food or in destroying insects which are injurious to forests and forage plants on the public domain, as well as to agricultural crops, in both the United States and Canada, but are nevertheless in danger of extermination through lack of adequate protection during the nesting season or while on their way to and from their breeding grounds;

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of saving from indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to

¹ Signed at Washington, Aug. 16, 1916; ratification advised by the Senate Aug. 29, ratified by the President Sept. 1, and by Great Britain Oct. 20; ratifications exchanged Dec. 7, and proclaimed Dec. 8, 1916.

man or harmless, have resolved to adopt some uniform system of protection which shall effectively accomplish such objects and to the end of concluding a convention for this purpose have appointed as their respective plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States; and

His Britannic Majesty, the Right Hon. Sir Cecil Arthur Spring Rice, G. C. V. O., K. C. M. G., etc., His Majesty's ambassador extraordinary and plenipotentiary at Washington:

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and adopted the following articles:

Article I

The high contracting powers declare that the migratory birds included in the terms of this convention shall be as follows:

1. Migratory game birds:

- (a) Anatidae or waterfowl, including brant, wild ducks, geese, and swans.
- (b) Gruidae or cranes, including little brown, sandhill, and whooping cranes.
- (c) Rallidae or rails, including coots, gallinules, and sora and other rails.
- (d) Limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(e) Columbidae or pigeons, including doves and wild pigeons.

2. Migratory insectivorous birds: Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks or bull-bats, nut-hatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, wax-wings, whippoorwills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects.

3. Other migratory nongame birds: Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murre, petrels, puffins, shearwaters, and terns.

Article II

The high contracting powers agree that, as an effective means of preserving migratory birds, there shall be established the following close seasons during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities.

1. The close season on migratory game birds shall be between March 10 and September 1, except that the close season on the Limicolae or shorebirds in the Maritime Provinces of Canada and in those States of the United States bordering on the Atlantic Ocean which are situated wholly or in part north of Chesapeake Bay shall be between February 1 and August 15, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding $3\frac{1}{2}$ months as the high contracting powers may severally deem appropriate and define by law or regulation.

2. The close season on migratory insectivorous birds shall continue throughout the year.

3. The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets, guillemots, murre, and puffins, and their eggs, for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

Article III

The high contracting powers agree that during the period of 10 years next following the going into effect of this convention there shall be a continuous close season on the following migratory game birds, to wit:

Band-tailed pigeons, little brown, sandhill, and whooping cranes, swans, curlew, and all shorebirds (except the black-breasted and golden plover, Wilson or jacksnipe, woodcock, and the greater and lesser yellowlegs); provided that during such 10 years the closed seasons on cranes, swans, and curlew in the Province of British Columbia shall be made by the proper authorities of that Province within the general dates and limitations elsewhere prescribed in this convention for the respective groups to which these birds belong.

Article IV

The high contracting powers agree that special protection shall be given the wood duck and the eider duck either (1) by a close season extending over a period of at least 5 years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

Article V

The taking of nests or eggs of migratory game or insectivorous or nongame birds shall be prohibited, except for scientific or propagating purposes under such laws or regulations as the high contracting powers may severally deem appropriate.

Article VI

The high contracting powers agree that the shipment or export of migratory birds or their eggs from any State or Province, during the continuance of the close season in such State or Province, shall be prohibited except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the State or Province in which the same were captured, killed, taken, or shipped shall be likewise prohibited. Every package containing migratory birds or any parts thereof or any eggs of migratory birds transported or offered for transportation from the United States into the Dominion of Canada, or from the Dominion of Canada into the United States, shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

Article VII

Permits to kill any of the above-named birds, which under extraordinary conditions may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the high contracting powers under suitable regulations prescribed therefor by them, respectively, but such permits shall lapse or may be canceled at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold, or offered for sale.

Article VIII

The high contracting powers agree themselves to take, or propose to their respective appropriate law-making bodies, the necessary measures for insuring the execution of the present convention.

Article IX

The present convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible, and the convention shall take effect on the date of the exchange of the ratifications. It shall remain in force for 15 years, and in the event of neither of the high contracting powers having given notification 12 months before the expiration of said period of 15 years of its intention of terminating its operation, the convention shall continue to remain in force for 1 year and so on from year to year.

In faith whereof, the respective plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their seals.

Done at Washington this 16th day of August, 1916.

[SEAL]

[SEAL]

ROBERT LANSING,
CECIL SPRING RICE.

And whereas the said convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the 7th day of December 1916:

Now, therefore, be it known that I, WOODROW WILSON, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 8th day of December in the year of our Lord 1916, and of the independence of the United States of America the 141st.

[SEAL]

WOODROW WILSON.

By the President:

ROBERT LANSING,

Secretary of State.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES FOR THE PROTECTION OF MIGRATORY BIRDS AND GAME MAMMALS²

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas a convention between the United States of America and the United Mexican States providing for the protection of migratory birds and game mammals was concluded and signed by their respective plenipotentiaries at the city of Mexico on the seventh day of February, one thousand nine hundred and thirty-six, the original of which convention, being in the English and Spanish languages, is word for word as follows:

Convention Between the United States of America and the United Mexican States
for the Protection of Migratory Birds and Game Mammals

Whereas some of the birds denominated migratory, in their movements cross the United States of America and the United Mexican States, in which countries they live temporarily;

Whereas it is right and proper to protect the said migratory birds, whatever may be their origin, in the United States of America and the United Mexican States, in order that the species may not be exterminated;

Whereas for this purpose it is necessary to employ adequate measures which will permit a rational utilization of migratory birds for the purpose of sport as well as for food, commerce, and industry;

The Governments of the two countries have agreed to conclude a convention which will satisfy the above-mentioned need and to that end have appointed as their respective plenipotentiaries: The Honorable Josephus Daniels, representing the President of the United States of America, Franklin D. Roosevelt, and the Honorable Eduardo Hay, representing the President of the United Mexican States, General Lazaro Cardenas, who have exhibited to each other and found satisfactory their respective full powers, conclude the following convention:

Article I

In order that the species may not be exterminated, the high contracting parties declare that it is right and proper to protect birds denominated as migratory, whatever may be their origin, which in their movements live temporarily in the United States of America and the United Mexican States, by means of adequate methods which will permit, insofar as the respective high contracting parties may see fit, the utilization of said birds rationally for purposes of sport, food, commerce, and industry.

Article II

The high contracting parties agree to establish laws, regulations, and provisions to satisfy the need set forth in the preceding article, including:

(A) The establishment of closed seasons, which will prohibit in certain periods of the year the taking of migratory birds, their nests or eggs, as well as their transportation or sale, alive or dead, their products or parts, except when proceeding, with appropriate authorization, from private game farms or when used for scientific purposes, for propagation, or for museums.

² Signed at Mexico City, Feb. 7, 1936; ratification advised by the Senate Apr. 30, 1936, ratified by the President Oct. 8, 1936, and by Mexico Feb. 12, 1937; ratifications exchanged and proclaimed Mar. 15, 1937.

(B) The establishment of refuge zones in which the taking of such birds will be prohibited.

(C) The limitation of their hunting to 4 months in each year, as a maximum, under permits issued by the respective authorities in each case.

(D) The establishment of a closed season for wild ducks from the 10th of March to the 1st of September.

(E) The prohibition of the killing of migratory insectivorous birds, except when they become injurious to agriculture and constitute plagues, as well as when they come from reserves or game farms: *Provided, however*, That such birds may be captured alive and used in conformity with the laws of each contracting country.

(F) The prohibition of hunting from aircraft.

Article III

The high contracting parties respectively agree, in addition, not to permit the transportation over the American-Mexican border of migratory birds, dead or alive, their parts or products, without a permit of authorization provided for that purpose by the government of each country, with the understanding that in the case that the said birds, their parts or products are transported from one country to the other without the stipulated authorization, they will be considered as contraband and treated accordingly.

Article IV

The high contracting parties declare that for the purpose of the present convention the following birds shall be considered migratory:

Migratory game birds:	Familia Hirundiidae.
Familia Anatidae.	Familia Paridae.
Familia Gruidae.	Familia Certhiidae.
Familia Rallidae.	Familia Troglodytidae.
Familia Charadriidae.	Familia Turdidae.
Familia Scolopacidae.	Familia Mimidae.
Familia Recurvirostridae.	Familia Sylviidae.
Familia Phalaropodidae.	Familia Motacillidae.
Familia Columbidae.	Familia Bombycillidae.
Migratory nongame birds:	Familia Ptilogonatidae.
Familia Cuculidae.	Familia Laniidae.
Familia Caprimulgidae.	Familia Vireonidae.
Familia Micropodidae.	Familia Compothlypidae.
Familia Trochilidae.	Familia Icteridae.
Familia Picidae.	Familia Thraupidae.
Familia Tyrannidae.	Familia Fringillidae.
Familia Alaudidae.	

Others which the Presidents of the United States of America and the United Mexican States may determine by common agreement.

Article V

The high contracting parties agree to apply the stipulations set forth in article III with respect to the game mammals which live in their respective countries.

Article VI

This convention shall be ratified by the high contracting parties in accordance with their constitutional methods and shall remain in force for fifteen years and shall be understood to be extended from year to year if the high contracting parties have not indicated twelve months in advance their intention to terminate it.

The respective plenipotentiaries sign the present convention in duplicate in English and Spanish, affixing thereto their respective seals, in the City of Mexico, the 7th day of February of 1936.

[SEAL]

JOSEPHUS DANIELS.

[SEAL]

EDUARDO HAY.

And whereas the said convention has been duly ratified on both parts and the ratifications of the two Governments were exchanged in the city of Wash-

ington on the fifteenth day of March, one thousand nine hundred and thirty-seven, on which day the convention entered into force in accordance with an understanding reached by an exchange of notes signed on February 10 and February 11, 1936, by the Minister of Foreign Affairs of the United Mexican States and the Chargé d'Affaires of the United States of America at the city of Mexico.

Now, therefore, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the city of Washington this fifteenth day of March, in the year of our Lord one thousand nine hundred and thirty-seven, and of the independence of the United States of America the one hundred and sixty-first.

[SEAL]

FRANKLIN D. ROOSEVELT.

By the President:

CORDELL HULL,

Secretary of State.

MIGRATORY BIRD TREATY ACT³

[Act of July 3, 1918, 40 Stat. 755—U. S. Code, title 16, secs. 703–711—to give effect to the convention with Great Britain, as amended by Act of June 20, 1936, 49 Stat. 1555, to extend its provisions to the convention with Mexico]

An Act to give effect to the conventions between the United States and Great Britain for the protection of migratory birds concluded at Washington August sixteenth, nineteen hundred and sixteen, and between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded at the city of Mexico February seventh, nineteen hundred and thirty-six, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act shall be known by the short title of the Migratory Bird Treaty Act.

Sec. 2. That unless and except as permitted by regulations⁴ made as herein-after provided, it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, or any part, nest, or egg of any such birds, included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936.

Sec. 3. That, subject to the provisions and in order to carry out the purposes of the conventions, the Secretary of Agriculture is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the conventions to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in ac-

³ Constitutionality of the treaty with Great Britain and of the act of July 3, 1918, sustained by the United States Supreme Court in a decision rendered Apr. 19, 1920, in the case of the *State of Missouri v. Ray P. Holland* (252 U. S. 416); see also *U. S. v. Lumpkin* (276 Fed. 580). Canada by an act of Parliament approved Aug. 29, 1917, gave full effect to the treaty and promulgated regulations thereunder May 11, 1918. The validity of the act of the Dominion Parliament was upheld by the Supreme Court of Prince Edward Island in a decision (Michaelmas term, 1920) rendered in the case of the *King v. Russell C. Clark*. For full text of the Canadian migratory-bird treaty act and regulations, communicate with the Commissioner, National Parks of Canada, Ottawa, Ontario.

⁴ Full text of regulations governing the taking, possession, shipment, etc., of migratory game birds may be obtained upon request to the Bureau of Biological Survey, U. S. Department of Agriculture, Washington, D. C.

cordance with such determinations, which regulations shall become effective when approved by the President.

SEC. 4. That it shall be unlawful to ship, transport, or carry, by any means whatever, from one State, Territory, or District to or through another State, Territory, or District, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the State, Territory, or District in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any Province of the Dominion of Canada in which the same was captured, killed, or taken, or from which it was shipped, transported, or carried.⁵

It shall be unlawful to import into the United States from Mexico, or to export from the United States to Mexico, any game mammal, dead or alive, or parts or products thereof, except under permit or authorization of the Secretary of Agriculture in accordance with such regulations as he shall prescribe having due regard to the laws of the United Mexican States relating to the exportation and importation of such mammals or parts or products thereof and the laws of the State, District, or Territory of the United States from or into which such mammals, parts, or products thereof are proposed to be exported or imported, and the laws of the United States forbidding importation of certain live mammals injurious to the interests of agriculture and horticulture, which regulations shall become effective as provided in section 3 hereof.

SEC. 5. That any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act shall have power, without warrant, to arrest any person committing a violation of this act in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this act; and shall have authority, with a search warrant, to search any place. The several judges of the courts established under the laws of the United States, and United States commissioners, may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All birds or parts, nests, or eggs thereof, captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulations made pursuant thereto shall, when found, be seized by any such employee, or by any marshal, or deputy marshal, and, upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.

SEC. 6. That any person, association, partnership, or corporation who shall violate any of the provisions of said conventions or of this act, or who shall violate or fail to comply with any regulation made pursuant to this act, shall be deemed guilty of misdemeanor and upon conviction thereof shall be fined not more than \$500 or be imprisoned not more than six months, or both.

SEC. 7. That nothing in this act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of said conventions or of this act, or from making or enforcing laws or regulations which shall give further protection to migratory birds, their nests, and eggs, if such laws or regulations do not extend the open seasons for such birds beyond the dates approved by the President in accordance with section 3 of this act.

SEC. 8. That until the adoption and approval, pursuant to section 3 of this act, of regulations dealing with migratory birds and their nests and eggs, such migratory birds and their nests and eggs as are intended and used exclusively for scientific or propagating purposes may be taken, captured, killed, possessed, sold, purchased, shipped, and transported for such scientific or propagating purposes if and to the extent not in conflict with the laws of the State, Territory, or District in which they are taken, captured, killed, possessed, sold, or purchased, or in or from which they are shipped or transported if the packages

⁵ Sec. 4 applies to both migratory and nonmigratory birds. *Bogle v. White* (marshal), 61 Fed. (2d) 930 (U. S. C. C. A.), Dec. 8, 1932. Petition for certiorari denied (53 Sup. Ct. Rept. 656).

containing the dead bodies or the nests or eggs of such birds when shipped and transported shall be marked on the outside thereof so as accurately and clearly to show the name and address of the shipper and the contents of the package.

SEC. 9. That there is authorized to be appropriated, from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and to accomplish the purposes of said conventions and this act and regulations made pursuant thereto, and the Secretary of Agriculture is authorized out of such moneys to employ in the city of Washington and elsewhere such persons and means as he may deem necessary for such purpose and may cooperate with local authorities in the protection of migratory birds and make the necessary investigations connected therewith.

SEC. 10. That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 11. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 12. Nothing in this act shall be construed to prevent the breeding of migratory game birds on farms and preserves and the sale of birds so bred under proper regulations for the purpose of increasing the food supply.

SEC. 13. That this act shall become effective immediately upon its passage and approval.

MIGRATORY BIRD CONSERVATION ACT

[Act of Feb. 18, 1929, 45 Stat. 1222—U. S. Code, title 16, sec. 715—as amended by act of June 15, 1935, 49 Stat. 381]

An Act to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act shall be known by the short title of "Migratory Bird Conservation Act."

SEC. 2. That a commission to be known as the Migratory Bird Conservation Commission, consisting of the Secretary of Agriculture, as chairman, the Secretary of Commerce, the Secretary of the Interior, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives to be selected by the Speaker, is hereby created and authorized to consider and pass upon any area of land, water, or land and water that may be recommended by the Secretary of Agriculture for purchase or rental under this act, and to fix the price or prices at which such area may be purchased or rented; and no purchase or rental shall be made of any such area until it has been duly approved for purchase or rental by said commission. Any Member of the House of Representatives who is a member of the commission, if reelected to the succeeding Congress, may serve on the commission notwithstanding the expiration of a Congress. Any vacancy on the commission shall be filled in the same manner as the original appointment. The ranking officer of the branch or department of a State to which is committed the administration of its game laws, or his authorized representative, and in a State having no such branch or department, the Governor thereof or his authorized representative, shall be a member ex officio of said commission for the purpose of considering and voting on all questions relating to the acquisition, under this act, of areas in his State.

SEC. 3. That the commission hereby created shall, through its chairman, annually report in detail to Congress, not later than the first Monday in December, the operations of the commission during the preceding fiscal year.

SEC. 4. That the Secretary of Agriculture shall recommend no area for purchase or rental under the terms of this act except such as he shall determine is necessary for the conservation of migratory game birds.

SEC. 5. That the Secretary of Agriculture is authorized to purchase or rent such areas as have been approved for purchase or rental by the commission,

at the price or prices fixed by said commission, and to acquire by gift or devise, for use as inviolate sanctuaries for migratory birds, areas which he shall determine to be suitable for such purposes, and to pay the purchase or rental price and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, including options when deemed necessary by the Secretary of Agriculture, from moneys to be appropriated hereunder by Congress from time to time: *Provided*, That no lands acquired, held, or used by the United States for military purposes shall be subject to any of the provisions of this act.

SEC. 6. That the Secretary of Agriculture may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this Act, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General, but the acquisition of such areas by the United States shall in no case be defeated because of rights-of-way, easements, and reservations which from their nature will in the opinion of the Secretary of Agriculture in no manner interfere with the use of the areas so encumbered for the purposes of this Act; but such rights-of-way, easements, and reservations retained by the grantor or lessor from whom the United States receives title under this or any other Act for the acquisition by the Secretary of Agriculture of areas for wildlife refuges shall be subject to rules and regulations prescribed by the Secretary of Agriculture for the occupation, use, operation, protection, and administration of such areas as inviolate sanctuaries for migratory birds or as refuges for wildlife; and it shall be expressed in the deed or lease that the use, occupation, and operation of such rights-of-way, easements, and reservations shall be subordinate to and subject to such rules and regulations as are set out in such deed or lease or, if deemed necessary by the Secretary of Agriculture, to such rules and regulations as may be prescribed by him from time to time.

[As amended June 15, 1935, 49 Stat. 381.]

SEC. 7. That no deed or instrument of conveyance shall be accepted by the Secretary of Agriculture under this act unless the State in which the area lies shall have consented by law to the acquisition by the United States of lands in that State.

SEC. 8. That the jurisdiction of the State, both civil and criminal, over persons upon areas acquired under this act shall not be affected or changed by reason of their acquisition and administration by the United States as migratory bird reservations, except so far as the punishment of offenses against the United States is concerned.

SEC. 9. That nothing in this act is intended to interfere with the operation of the game laws of the several States applying to migratory game birds insofar as they do not permit what is forbidden by Federal law.

SEC. 10. That no person shall knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike, embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this act, or cut, burn, or destroy any timber, grass, or other natural growth, on said area or on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture; nor shall any person take any bird, or nest or egg thereof, on any area acquired under this act, except for scientific or propagating purposes under permit of the Secretary of Agriculture; but nothing in this act or in any regulation thereunder shall be construed to prevent a person from entering upon any area acquired under this act for the purpose of fishing in accordance with the law of the State in which such area is located: *Provided*, That such person complies with the regulations of the Secretary of Agriculture covering such area.

SEC. 11. That for the purposes of this act, migratory birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916.

SEC. 12. For the acquisition, including the location, examination, and survey, of suitable areas of land, water, or land and water for use as migratory bird reservations, and necessary expenses incident thereto, and for the administration, maintenance, and development of such areas and other preserves, reserva-

tions, or breeding grounds frequented by migratory game birds and under the administration of the Secretary of Agriculture, including the construction of dams, dikes, ditches, flumes, spillways, buildings, and other necessary improvements, and for the elimination of the loss of migratory birds from alkali poisoning, oil pollution of waters, or other causes, for cooperation with local authorities in wildlife conservation, for investigations and publications relating to North American birds, for personal service, printing, engraving, and issuance of circulars, posters, and other necessary matter and for the enforcement of the provisions of this act, there are authorized to be appropriated, in addition to all other amounts authorized by law to be appropriated, the following amounts for the fiscal years specified—

\$75,000 for the fiscal year ending June 30, 1930;

\$200,000 for the fiscal year ending June 30, 1931;

\$600,000 for the fiscal year ending June 30, 1932;

\$1,000,000 for the fiscal year ending June 30, 1933;

\$1,000,000 for each fiscal year thereafter for a period of six years; and

\$200,000 for the fiscal year ending June 30, 1940, and for each fiscal year thereafter. Not more than 20 per centum of the amounts appropriated pursuant to this authorization for the fiscal year beginning July 1, 1930, and for each fiscal year to and including the fiscal year ending June 30, 1939, shall be expended for personal services in the District of Columbia and elsewhere incident to the administration and maintenance of acquired areas, printing, engraving, and issuance of circulars and posters. No part of any appropriation authorized by this section shall be used for payment of the salary, compensation, or expenses of any United States game protector, except reservation protectors for the administration, maintenance, and protection of such reservations, and the birds thereon: *Provided*, That reservation protectors appointed under the provisions of this act shall be selected, when practicable, from qualified citizens of the State in which they are to be employed. The Secretary of Agriculture is authorized and directed to make such expenditures and to employ such means, including personal services in the District of Columbia and elsewhere, as may be necessary to carry out the foregoing objects.

SEC. 13. That for the efficient execution of this act, the judges of the several courts established under the laws of the United States, United States commissioners, and persons appointed by the Secretary of Agriculture to enforce this act shall have, with respect thereto, like powers and duties as are conferred by section 5 of the Migratory Bird Treaty Act (title 16, section 706 of the United States Code) upon said judges, commissioners, and employees of the Department of Agriculture appointed to enforce the act last aforesaid. Any bird, or part, nest or egg thereof, taken or possessed contrary to this act when seized shall be disposed of as provided by section 5 of said Migratory Bird Treaty Act.

SEC. 14. That any person, association, partnership, or corporation who shall violate or fail to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$10 nor more than \$500, or be imprisoned not more than six months, or both.

SEC. 15. That for the purposes of this act the word "take" shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill unless the context otherwise requires.

SEC. 16. Nothing in this act shall be construed as authorizing or empowering the Migratory Bird Conservation Commission herein created, the Secretary of Agriculture, or any other board, commission, or officer, to declare, withdraw, or determine, except heretofore designated, any part of any national forest or power site, a migratory bird reservation under any of the provisions of this act, except by and with the consent of the legislature of the State wherein such forest or power site is located.

SEC. 17. That when any State shall, by suitable legislation make provision adequately to enforce the provisions of this act and all regulations promulgated thereunder, the Secretary of Agriculture may so certify, and then and thereafter said State may cooperate with the Secretary of Agriculture in the enforcement of this act and the regulations thereunder.

SEC. 18. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of \$5,000, is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be paid out on the audit and order of the chairman of said commission, which audit and order shall be conclusive

and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

SEC. 19. That if any provision of this act or the application thereof to any person or circumstance is held invalid the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 20. That this act shall take effect upon its passage and approval.

ACQUISITION OF WILDLIFE REFUGE LANDS BY EXCHANGES

[Act of June 15, 1935, 49 Stat. 381]

SEC. 302. That when the public interests will be benefited thereby the Secretary of Agriculture is authorized, in his discretion, to accept on behalf of the United States title to any land which he deems chiefly valuable for wildlife refuges, and in exchange therefor to convey by deed on behalf of the United States an equal value of lands acquired by him for like purposes, or he may authorize the grantor to cut and remove from such lands an equal value of timber, hay, or other products, or to otherwise use said lands, when compatible with the protection of the wildlife thereon, the values in each case to be determined by said Secretary. Timber or other products so granted shall be cut and removed, and other uses exercised, under the laws and regulations applicable to such refuges and under the direction of the Secretary of Agriculture and under such supervision and restrictions as he may prescribe. Any lands acquired by the Secretary of Agriculture under the terms of this section shall immediately become a part of the refuge or reservation of which the lands, timber, and other products or uses given in exchange were or are a part and shall be administered under the laws and regulations applicable to such refuge or reservation.

SEC. 303. That when the public interests will be benefited thereby the Secretary of the Interior is authorized, in his discretion, to accept on behalf of the United States title to any lands which, in the opinion of the Secretary of Agriculture, are chiefly valuable for migratory bird or other wildlife refuges, and in exchange therefor may patent not to exceed an equal value of surveyed or unsurveyed, unappropriated, and unreserved nonmineral public lands of the United States in the same State, the value in each case to be determined by the Secretary of Agriculture. Before any such exchange is effected notice thereof, reciting the lands involved, shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands proposed to be granted by the United States in such exchange. Lands conveyed to the United States under this section shall be held and administered by the Secretary of Agriculture under the terms of section 10 of the aforesaid Migratory Bird Conservation Act of February 18, 1929, and all the provisions of said section of said Act are hereby extended to and shall be applicable to the lands so acquired.

SEC. 304. That all the provisions of section 6 of the aforesaid Migratory Bird Conservation Act, as hereby amended, relating to rights-of-way, easements, and reservations shall apply equally to exchanges effected under the provisions of this Act, and in any such exchanges the value of such rights-of-way, easements, and reservations shall be considered in determining the relation of value of the lands received by the United States to that of the land conveyed by the United States.

MIGRATORY BIRD HUNTING STAMP ACT

[Act of Mar. 16, 1934, 48 Stat., 451, as amended by act of June 15, 1935, 49 Stat. 379]

An Act To supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, for the protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person over sixteen years of age shall take any migratory waterfowl unless at the time of such taking he carries on his person an unexpired Federal migratory-bird hunting stamp

validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds; except that no such stamp shall be required for the taking of migratory waterfowl by Federal or State institutions or official agencies, or for propagation, or by the resident owner, tenant, or share cropper of the property or officially designated agencies of the Department of Agriculture for the killing, under such restrictions as the Secretary of Agriculture may by regulation prescribe, of such waterfowl when found injuring crops or other property. Any person to whom a stamp has been sold under this Act shall upon request exhibit such stamp for inspection to any officer or employee of the Department of Agriculture authorized to enforce the provisions of this Act or to any officer of any State or any political subdivision thereof authorized to enforce game laws.

[As amended June 15, 1935, 49 Stat. 379.]

SEC. 2. That the stamps required by this Act shall be issued and sold by the Post Office Department under regulations prescribed by the Postmaster General: *Provided*, That the stamps shall be sold at all post offices of the first- and second-class and at such others as the Postmaster General shall direct. For each such stamp sold under the provisions of this Act there shall be collected by the Post Office Department the sum of \$1. No such stamp shall be valid under any circumstances to authorize the taking of migratory waterfowl except in compliance with Federal and State laws and regulations and then only when the person so taking such waterfowl shall himself have written his signature in ink across the face of the stamp prior to such taking. Each such stamp shall expire and be void after the 30th day of June next succeeding its issuance and all such stamps remaining unsold by the Post Office Department at the expiration of said June 30 shall be destroyed by said Department. No stamp sold under this Act shall be redeemable by said Department in cash or in kind.

[As amended June 15, 1935, 49 Stat. 379.]

SEC. 3. Nothing in this act shall be construed to authorize any person to take any migratory waterfowl otherwise than in accordance with regulations adopted and approved pursuant to any treaty heretofore or hereafter entered into between the United States and any other country for the protection of migratory birds, nor to exempt any person from complying with the game laws of the several States.

SEC. 4. All moneys received for such stamps shall be accounted for by the Post Office Department and paid into the Treasury of the United States, and shall be received and set aside as a special fund to be known as the migratory bird conservation fund, to be administered by the Secretary of Agriculture. All moneys received into such fund are hereby appropriated for the following objects and shall be available therefor until expended.

[As amended June 15, 1935, 49 Stat. 379.]

(a) Not less than 90 per centum shall be available for the location, ascertainment, acquisition, administration, maintenance, and development of suitable areas for inviolate migratory-bird sanctuaries, under the provisions of the Migratory Bird Conservation Act, to be expended for such purposes in all respects as moneys appropriated pursuant to the provisions of such act; for the administration, maintenance, and development of other refuges under the administration of the Secretary of Agriculture, frequented by migratory game birds; and for such investigations on such refuges and elsewhere in regard to migratory waterfowl as the Secretary of Agriculture may deem essential for the highest utilization of the refuges and for the protection and increase of these birds.

(b) The remainder shall be available for expenses in executing this Act, the Migratory Bird Conservation Act, the Migratory Bird Treaty Act, and any other Act to carry into effect any treaty for the protection of migratory birds, including personal services in the District of Columbia and elsewhere, and also including advance allotments to be made by the Secretary of Agriculture to the Post Office Department at such times and in such amounts as may be mutually agreed upon by the Secretary of Agriculture and the Postmaster General for direct expenditure by the Post Office Department for engraving, printing, issuing, selling, and accounting for migratory bird hunting stamps and moneys received from the sale thereof, personal services in the District of Columbia and elsewhere, and for such other expenses as may be necessary in executing the duties and functions required of the Postal Service by this

Act: *Provided*, That the protection of said inviolate migratory-bird sanctuaries shall be, so far as possible, under section 17 of the Migratory Bird Conservation Act of February 18, 1929.

[As amended June 15, 1935, 49 Stat. 379.]

SEC. 5. (a) That no person to whom has been sold a migratory-bird hunting stamp, validated as provided in section 1 of this Act, shall loan or transfer such stamp to any person during the period of its validity; nor shall any person other than the person validating such stamp use it for any purpose during such period.

(b) That no person shall alter, mutilate, imitate, or counterfeit any stamp authorized by this Act, or imitate or counterfeit any die, plate, or engraving therefor, or make, print, or knowingly use, sell, or have in his possession any such counterfeit, die, plate, or engraving.

[As amended June 15, 1935, 49 Stat. 379.]

SEC. 6. For the efficient execution of this act, the judges of the several courts, established under the laws of the United States, United States Commissioners, and persons appointed by the Secretary of Agriculture to enforce the provisions of this act, shall have, with respect thereto, like powers and duties as are conferred upon said judges, commissioners, and employees of the Department of Agriculture by the Migratory Bird Treaty Act or any other act to carry into effect any treaty for the protection of migratory birds with respect to that act. Any bird or part thereof taken or possessed contrary to such act shall, when seized, be disposed of as provided by the Migratory Bird Treaty Act, or acts aforesaid.

SEC. 7. Any person who shall violate any provision of this act or who shall violate or fail to comply with any regulation made pursuant thereto shall be subject to the penalties provided in section 6 of the Migratory Bird Treaty Act.

SEC. 8. The Secretary of Agriculture is authorized to cooperate with the several States and Territories in the enforcement of the provisions of this act.

SEC. 9. (a) Terms defined in the Migratory Bird Treaty Act, or the Migratory Bird Conservation Act, shall, when used in this act, have the meaning assigned to such terms in such acts respectively.

(b) As used in this act (1) the term "migratory waterfowl" means the species enumerated in paragraph (a) of subdivision 1 of article I of the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916; (2) the term "State" includes the several States and Territories of the United States and the District of Columbia; and (3) the term "take" means pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

FEDERAL AID TO STATES IN WILDLIFE RESTORATION PROJECTS

[Act of Sept. 2, 1937, Public, No. 415, 75th Cong.]

An Act To provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to cooperate with the States, through their respective State fish and game departments, in wildlife-restoration projects as hereinafter set forth; but no money apportioned under this Act to any State shall be expended therein until its legislature, or other State agency authorized by the State constitution to make laws governing the conservation of wildlife, shall have assented to the provision of this Act and shall have passed laws for the conservation of wildlife which shall include a prohibition against the diversion of license fees paid by hunters for any other purpose than the administration of said State fish and game department, except that, until the final adjournment of the first regular session of the legislature held after the passage of this Act, the assent of the Governor of the State shall be sufficient. The Secretary of Agriculture and the State fish and game department of each State accepting the benefits of this Act shall agree upon the wildlife-restoration projects to be aided in such State under the terms of this Act and all projects shall conform to the standards fixed by the Secretary of Agriculture.

SEC. 2. For the purposes of this Act the term "wildlife-restoration project" shall be construed to mean and include the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition by purchase, condemnation, lease, or gift of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects; the term "State fish and game department" shall be construed to mean and include any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department.

SEC. 3. An amount equal to the revenue accruing during the fiscal year ending June 30, 1939, and each fiscal year thereafter, from the tax imposed by section 610, title IV, of the Revenue Act of 1932 (47 Stat. 169), as heretofore or hereafter extended and amended, on firearms, shells, and cartridges, is hereby authorized to be set apart in the Treasury as a special fund to be known as "The Federal aid to wildlife-restoration fund" and is hereby authorized to be appropriated and made available until expended for the purposes of this Act. So much of such appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof is authorized to be made available for expenditure in that State until the close of the succeeding fiscal year. Any amount apportioned to any State under the provisions of this Act which is unexpended or unobligated at the end of the period during which it is available for expenditure on any project is authorized to be made available for expenditure by the Secretary of Agriculture in carrying out the provisions of the Migratory Bird Conservation Act.

SEC. 4. So much, not to exceed 8 per centum, of the revenue covered into said fund in each fiscal year as the Secretary of Agriculture may estimate to be necessary for his expenses in the administration and execution of this Act and the Migratory Bird Conservation Act shall be deducted for that purpose, and such sum is authorized to be made available therefor until the expiration of the next succeeding fiscal year, and within sixty days after the close of such fiscal year the Secretary of Agriculture shall apportion such part thereof as remains unexpended by him, if any, and make certificate thereof to the Secretary of the Treasury and to the State fish and game departments on the same basis and in the same manner as is provided as to other amounts authorized by this Act to be apportioned among the States for such current fiscal year. The Secretary of Agriculture, after making the aforesaid deduction, shall apportion the remainder of the revenues in said fund for each fiscal year among the several States in the following manner, that is to say, one-half in the ratio which the area of each State bears to the total area of all the States and one-half in the ratio which the number of paid hunting-license holders of each State in the preceding fiscal year, as certified to said Secretary by the State fish and game departments, bears to the total number of paid hunting-license holders of all the States: *Provided*, That the apportionment for any one State shall not exceed the sum of \$150,000 annually: *Provided further*, That where the apportionment to any State under this section is less than \$15,000 annually, the Secretary of Agriculture may allocate not more than \$15,000 of said fund to said State to carry out the purposes of this Act when said State certifies to the Secretary of Agriculture that it has set aside not less than \$5,000 from its fish and game funds or has made, through its legislature, an appropriation in this amount, for said purposes.

SEC. 5. Within sixty days after the approval of this Act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each State fish and game department the sum which he has estimated to be deducted for administering and executing this Act and the Migratory Bird Conservation Act and the sum which he has apportioned to each State for the fiscal year ending June 30, 1939, and on or before February 20 next preceding the commencement of each succeeding fiscal year shall make like certificates for such fiscal year. Any State desiring to avail itself of the benefits of this Act shall notify the Secretary of Agriculture to this effect within sixty days after it has received the certification referred to in this section. The sum apportioned to any State which fails to notify the Secretary of Agriculture

as herein provided is authorized to be made available for expenditure by the Secretary of Agriculture in carrying out the provisions of the Migratory Bird Conservation Act.

SEC. 6. Any State desiring to avail itself of the benefits of this Act shall by its State fish and game department submit to the Secretary of Agriculture full and detailed statements of any wildlife-restoration project proposed for that State. If the Secretary of Agriculture finds that such project meets with the standards set up by him and approves said project, the State fish and game department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require: *Provided, however,* That the Secretary of Agriculture shall approve only such projects as may be substantial in character and design and the expenditure of funds hereby authorized shall be applied only to such approved projects and if otherwise applied they shall be replaced by the State before it may participate in any further apportionment under this Act. Items included for engineering, inspection, and unforeseen contingencies in connection with any works to be constructed shall not exceed 10 per centum of the cost of such works and shall be paid by the State as a part of its contribution to the total cost of such works. If the Secretary of Agriculture approves the plans, specifications, and estimates for the project, he shall notify the State fish and game department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside so much of said fund as represents the share of the United States payable under this Act on account of such project, which sum so set aside shall not exceed 75 per centum of the total estimated cost thereof. No payment of any money apportioned under this Act shall be made on any project until such statement of the project and the plans, specifications, and estimates thereof shall have been submitted to and approved by the Secretary of Agriculture.

SEC. 7. When the Secretary of Agriculture shall find that any project approved by him has been completed or, if involving research relating to wildlife, is being conducted, in compliance with said plans and specifications, he shall cause to be paid to the proper authority of said State the amount set aside for said project: *Provided,* That the Secretary of Agriculture may, in his discretion, from time to time, make payments on said project as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States' pro-rata share of the project in conformity with said plans and specifications. Any construction work and labor in each State shall be performed in accordance with its laws and under the direct supervision of the State fish and game department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with rules and regulations made pursuant to this Act. The Secretary of Agriculture and the State fish and game department of each State may jointly determine at what times and in what amounts payments, as work progresses, shall be made under this Act. Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture against the said fund to such official or officials, or depository, as may be designated by the State fish and game department and authorized under the laws of the State to receive public funds of the State.

SEC. 8. To maintain wildlife-restoration projects established under the provisions of this Act shall be the duty of the States according to their respective laws.

SEC. 9. Out of the deductions set aside for administering and executing this Act and the Migratory Bird Conservation Act, the Secretary of Agriculture is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service; to rent or construct buildings outside of the city of Washington; to purchase such supplies, materials, equipment, office fixtures, and apparatus; and to incur such travel and other expenses, including purchase, maintenance, and hire of passenger-carrying motor vehicles, as he may deem necessary for carrying out the purposes of this Act.

SEC. 10. The Secretary of Agriculture is authorized to make rules and regulations for carrying out the provisions of this Act.

SEC. 11. The Secretary of Agriculture shall make an annual report to the Congress of the sum set apart in "The Federal aid to wildlife restoration fund", giving detailed information as to the projects and expenditures therefor.

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE ACT

[Act of June 7, 1924, 43 Stat. 650, as amended Mar. 4, 1925, 43 Stat. 1354; May 12, 1928, 45 Stat. 502; and June 18, 1934, 48 Stat. 1015]

An Act To establish the Upper Mississippi River Wild Life and Fish Refuge

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Upper Mississippi River Wild Life and Fish Refuge Act."

SEC. 2. The Secretary of Agriculture is authorized to acquire, by purchase, gift, or lease, such areas of land, or of land and water, situated between Rock Island, Illinois, and Wabasha, Minnesota, on either side of or upon islands in the Mississippi River which are not used for agricultural purposes, as he determines suitable for the purposes of this Act. (As amended June 18, 1934, 48 Stat. 1015.)

SEC. 3. Any such area, when acquired in accordance with the provisions of this Act, shall become a part of the Upper Mississippi River Wild Life and Fish Refuge (hereinafter in this Act referred to as the "refuge"). The refuge shall be established and maintained (a) as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and (b) to such extent as the Secretary of Agriculture may by regulations prescribe, as a refuge and breeding place for other wild birds, game animals, fur-bearing animals, and for the conservation of wild flowers and aquatic plants, and (c) to such extent as the Secretary of Commerce may by regulations prescribe as a refuge and breeding place for fish and other aquatic animal life.

SEC. 4. (a) No such area shall be acquired by the Secretary of Agriculture until the legislature of each State in which is situated any part of the areas to be acquired under this Act has consented to the acquisition of such part by the United States for the purposes of this Act, and, except in the case of a lease, no payment shall be made by the United States for any such area until title thereto is satisfactory to the Attorney General and is vested in the United States.

(b) The existence of a right of way, easement, or other reservation or exception in respect of such area shall not be a bar to its acquisition (1) if the Secretary of Agriculture determines that any such reservation or exception will in no manner interfere with the use of the area for the purposes of this Act, or (2) if in the deed or other conveyance it is stipulated that any reservation or exception in respect of such area, in favor of the person from whom the United States receives title, shall be subject to regulations prescribed under authority of this Act.

SEC. 5. Except where it is specifically provided otherwise, the Secretary of Agriculture and the Secretary of Commerce shall jointly prescribe such regulations, exercise such functions, and perform such duties as may be necessary to carry out the purposes of this Act.

SEC. 6. No person shall, except in accordance with regulations prescribed by the Secretary of Agriculture in respect of wild birds, game animals, fur-bearing animals, wild flowers, and aquatic plants, or by the Secretary of Commerce in respect of fish and other aquatic-animal life—

(a) Enter the refuge for any purpose; or

(b) Disturb, injure, kill, or remove, or attempt to disturb, injure, kill, or remove any wild bird, game animal, fur-bearing animal, fish, or other aquatic-animal life on the refuge; or

(c) Remove from the refuge, or injure or destroy thereon any flower, plant, tree, or other natural growth, or the nest or egg of any wild bird; or

(d) Injure or destroy any notice, sign board, fence, building, or other property of the United States thereon.

SEC. 7. Commercial fishing may be conducted in the waters of this refuge under regulation by the Secretary of Commerce.

SEC. 8. (a) Any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this Act, and any employee of the Department of Commerce so authorized by the Secretary of Commerce (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or of any regulation made pursuant to this Act, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act

or regulations made pursuant thereto, and (3) shall have authority, with a search warrant issued by an officer or court of competent jurisdiction to make a search in accordance with the terms of such warrant. Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(b) All birds, animals, fish, or parts thereof captured, injured, or killed, and all flowers, plants, trees, and other natural growths, and nests and eggs of birds removed, and all implements or paraphernalia, including guns, fishing equipment, and boats used or attempted to be used contrary to the provisions of this Act or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of Agriculture and the Secretary of Commerce may jointly by regulation prescribe.

(c) A report of the seizure shall be made to the United States attorney for the judicial district in which the seizure is made, for forfeiture either (1) upon conviction of the offender under section 11, or (2) by proceedings by libel in rem. Such libel proceedings shall conform as near as may be to civil suits in admiralty, except that either party may demand trial by jury upon any issue of fact when the value in controversy exceeds \$20. In case of a jury trial the verdict of the jury shall have the same effect as the finding of the court upon the facts. Libel proceedings shall be at the suit and in the name of the United States. If such forfeiture proceedings are not instituted within a reasonable time, the United States attorney shall give notice thereof, and the custodian shall thereupon release the articles seized.

SEC. 9. (a) The Secretary of Agriculture and the Secretary of Commerce are authorized to make such expenditures for construction, equipment, maintenance, repairs, and improvements, including expenditures for personal services at the seat of government and elsewhere, as may be necessary to execute the functions imposed upon them by this Act and as may be provided for by Congress from time to time.

(b) For such expenditures there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, to be available until expended, \$25,000 of such sum to be available for expenditure by the Secretary of Agriculture and \$25,000 by the Secretary of Commerce.

SEC. 10. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and to be available until expended, the sum of \$1,500,000, or so much thereof as may be necessary for the acquisition of any areas authorized by this Act to be acquired for such refuge and for all necessary expense incident to the acquisition of such areas: *Provided*, That the Secretary of Agriculture shall not pay for any land or land and water a price which shall exceed an average cost of \$10 per acre: *Provided further*, That this provision shall not apply to any land or land and water heretofore acquired or contracted for under the provisions of this act.

[As amended Mar. 4, 1925, 43 Stat. 1354 and May 12, 1928, 45 Stat. 502.]

SEC. 11. Any person who shall violate or fail to comply with any provision of or any regulation made pursuant to this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 or be imprisoned not more than six months, or both.

SEC. 12. As used in this Act the term "person" includes an individual, partnership, association, or corporation.

SEC. 13. Nothing in this Act shall be construed as exempting any portion of the Mississippi River from the provisions of Federal laws for the improvement, preservation, and protection of navigable waters, nor as authorizing any interference with the operations of the War Department in carrying out any project now or hereafter adopted for the improvement of said river.

BEAR RIVER MIGRATORY BIRD REFUGE ACT

[Act of Apr. 23, 1928, 45 Stat. 448]

An Act To establish the Bear River Migratory Bird Refuge

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby authorized to construct, at Bear River Bay and vicinity, Utah, such

dikes, ditches, spillways, buildings, and improvements as may be necessary, in his judgment, for the establishment of a suitable refuge and feeding and breeding grounds for migratory wild fowl; also to acquire, by purchase, gift, or lease, water rights and privately owned lands, including the improvements thereon, deemed necessary by him for the purpose, or in lieu of purchase, to compensate any owner for any damage sustained by reason of the submergence of his lands.

SEC. 2. That such lands, when acquired in accordance with the provisions of this act, together with such lands of the United States as may be designated for the purpose by proclamations or Executive orders of the President, shall constitute the Bear River Migratory Bird Refuge and shall be maintained as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916.

SEC. 3. That no such area shall be acquired by the Secretary of Agriculture unless or until the Legislature of the State of Utah has consented to the acquisition of lands by the United States for use as a refuge for migratory wild fowl, and shall have provided for the use as a refuge for migratory wild fowl by the United States of any lands owned or controlled by the State in Bear River Bay, Utah, and vicinity, which the Secretary of Agriculture may deem necessary for such purpose, and which the Secretary of Agriculture is hereby authorized to accept on behalf of the United States; and except in the case of a lease, no payments shall be made by the United States for any such area until title thereto is satisfactory to the Attorney General.

SEC. 4. That the existence of a right-of-way easement or other reservation or exception in respect of such area shall not be a bar to its acquisition (1) if the Secretary of Agriculture determines that any such reservation or exception will in no manner interfere with the use of the area for the purposes of this act, or (2) if in the deed or other conveyance it is stipulated that any reservation or exception in respect of such area, in favor of the person from whom the United States receives title, shall be subject to regulations prescribed under authority of this act.

SEC. 5. That no person shall take, injure, or disturb any bird, or nest or egg thereof, or injure or destroy any notice, signboard, fence, dike, ditch, dam, spillway, improvement, or other property of the United States on any area acquired or received under this act, or remove therefrom or cut, burn, injure, or destroy any grass or other natural growth thereon, or enter, use, or occupy the refuge for any purpose, except in accordance with regulations prescribed by the Secretary of Agriculture: *Provided*, That at no time shall less than 60 per centum of the total acreage of the said refuge be maintained as an inviolate sanctuary for such migratory birds.

SEC. 6. (a) Any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this act or of any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this act or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(b) All birds or animals, or parts thereof, captured, injured, or killed, and all grass and other natural growths, and nests and eggs of birds removed contrary to the provisions of this act or any regulation made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him, and upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, or removed contrary to the provisions of this act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.

SEC. 7. That the Secretary of Agriculture is authorized to make such expenditures for construction, equipment, maintenance, repairs, and improvements, including necessary investigations, and expenditures for personal services and office expenses at the seat of government and elsewhere, and to employ such means as may be necessary to execute the functions imposed upon him by this Act and as may be provided for by Congress from time to time.

SEC. 8. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$350,000, or so much thereof as may be necessary to effectuate the provisions of this act: *Provided*, That not to exceed \$50,000 may be expended for the purchase of land, including improvements thereon.

SEC. 9. That any person who shall violate or fail to comply with any provision of, or any regulation made pursuant to, this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 or be imprisoned not more than six months, or both.

SEC. 10. That as used in this act the term "person" includes an individual, partnership, association, or corporation.

CHEYENNE BOTTOMS MIGRATORY BIRD REFUGE ACT

[Act of June 12, 1930, 46 Stat. 579]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture be, and he is hereby, authorized to acquire by purchase, gift, or lease not to exceed twenty thousand acres of land in what is known as the Cheyenne Bottoms, in Barton County, Kansas, or, in lieu of purchase, to compensate any owner for any damage sustained by reason of submergence of his lands.

SEC. 2. That such lands, when acquired in accordance with the provisions of this act, shall constitute the Cheyenne Bottoms Migratory Bird Refuge, and shall be maintained as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916.

SEC. 3. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum of \$250,000, or so much thereof as may be necessary, to purchase or otherwise acquire the land described in section 1 of this act.

SEC. 4. That the Secretary of Agriculture may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this act, including purchase of options when deemed necessary by the Secretary of Agriculture, and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General. That the acquisition of such areas by the United States shall in no case be defeated because of rights of way, easements, and reservations which from their nature will in the opinion of the Secretary of Agriculture in no manner interfere with the use of the areas so encumbered for the purpose of this act.

SEC. 5. Sections 7, 8, 9, 10, 13, 14, and 15 of the Migratory Bird Conservation Act, approved February 18, 1929, are hereby made applicable for the purposes of this act in the same manner and to the same extent as though they were enacted as a part of this act.

ESTABLISHMENT OF FISH AND GAME SANCTUARIES IN NATIONAL FORESTS

[Act of Mar. 10, 1934, 48 Stat. 400]

An Act To establish fish and game sanctuaries in the national forests

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of providing breeding places for game birds, game animals, and fish on lands and waters in the national forests not chiefly suitable for agriculture, the President of the United States is hereby authorized, upon recommendation of the Secretary of Agriculture and the Secretary of Commerce and with the approval of the State legislatures of the respective States in which said national forests are situated, to establish by public proclamation certain specified and limited areas within said forests as fish and game sanctuaries or refuges which shall be devoted to the increase of game birds, game animals, and fish of all kinds naturally adapted thereto, but it is not intended that the lands included in

such fish and game sanctuaries or refuges shall cease to be parts of the national forests wherein they are located, and the establishment of such fish and game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the national forests under and in conformity with the laws and the rules and regulations applicable thereto so far as such uses may be consistent with the purposes for which such fish and game sanctuaries or refuges are authorized to be established.

SEC. 2. That when such fish and game sanctuaries or refuges have been established as provided in section 1 of this act, hunting, pursuing, poisoning, angling for, killing, or capturing by trapping, netting, or any other means or attempting to hunt, pursue, angle for, kill, or capture any wild animals or fish for any purpose whatever upon the lands of the United States within the limits of said fish and game sanctuaries or refuges shall be unlawful except as hereinafter provided, and any person violating any provision of this Act or any of the rules and regulations made under the provisions of this Act shall be deemed guilty of a misdemeanor and shall upon conviction in any United States court be fined in a sum of not exceeding \$100 or imprisonment not exceeding six months, or both.

SEC. 3. That the Secretaries of Agriculture and Commerce shall execute the provisions of this Act, and they are hereby jointly authorized to make all needful rules and regulations for the administration of such fish and game sanctuaries or refuges in accordance with the purpose of this Act, including regulations not in contravention of State laws for hunting, capturing, or killing predatory animals, such as wolves, coyotes, foxes, punas, and other species destructive to livestock or wild life or agriculture within the limits of said fish and game sanctuaries or refuges: *Provided*, That the present jurisdiction of the States shall not be altered or changed without the legislative approval of such States.

COORDINATION OF WILDLIFE CONSERVATION ACTIVITIES

[Act of Mar. 10, 1934, 48 Stat. 401]

An Act To promote the conservation of wild life, fish, and game, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture and the Secretary of Commerce are authorized to provide expert assistance to and to cooperate with Federal, State, and other agencies in the rearing, stocking, and increasing the supply of game and fur-bearing animals and fish, in combating diseases, and in developing a Nation-wide program of wild-life conservation and rehabilitation.

SEC. 2. The Secretary of Agriculture and the Secretary of Commerce are authorized to make such investigations as they may deem necessary to determine the effects of domestic sewage, trade wastes, and other polluting substances on wildlife, with special reference to birds, mammals, fish, and shellfish, and to make reports to the Congress of their investigations with recommendations for remedial measures. Such investigations shall include studies of methods for the recovery of wastes and the collation of data on the progress being made in these fields for the use of Federal, State, municipal, and private agencies.

SEC. 3. (a) Whenever the Federal Government through the Bureau of Reclamation or otherwise, impounds water for any use, opportunity shall be given to the Bureau of Fisheries and/or the Bureau of Biological Survey to make such uses of the impounded waters for fish-culture stations and migratory-bird resting and nesting areas as are not inconsistent with the primary use of the waters and/or the constitutional rights of the States. In the case of any waters heretofore impounded by the United States, through the Bureau of Reclamation or otherwise, the Bureau of Fisheries and/or the Bureau of Biological Survey may consult with the Bureau of Reclamation or other governmental agency controlling the impounded waters, with a view to securing a greater biological use of the waters not inconsistent with their primary use and/or the constitutional rights of the States and make such proper uses thereof as are not inconsistent with the primary use of the waters and/or the constitutional rights of the States.

(b) Hereafter, whenever any dam is authorized to be constructed, either by the Federal Government itself or by any private agency under Govern-

ment permit, the Bureau of Fisheries shall be consulted, and before such construction is begun or permit granted, when deemed necessary, due and adequate provision, if economically practicable, shall be made for the migration of fish life from the upper to the lower and from the lower to the upper waters of said dam by means of fish lifts, ladders, or other devices.

SEC. 4. The Office of Indian Affairs, the Bureau of Fisheries, and the Bureau of Biological Survey are authorized, jointly, to prepare plans for the better protection of the wildlife resources, including fish, migratory waterfowl and upland game birds, game animals and fur-bearing animals, upon all the Indian reservations and unallotted Indian lands coming under the supervision of the Federal Government. When such plans have been prepared they shall be promulgated by the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture, who are authorized to make the necessary regulations for enforcement thereof and from time to time to change, alter, or amend such regulations.

SEC. 5. The Bureau of Biological Survey and the Bureau of Fisheries are hereby authorized to make surveys of the wildlife resources of the public domain, or of any lands owned or leased by the Government, to conduct such investigations as may be necessary for the development of a program for the maintenance of an adequate supply of wildlife in these areas, to establish thereon game farms and fish-cultural stations commensurate with the need for replenishing the supply of game and fur-bearing animals and fish, and, in cooperation with the National Park Service, the Forest Service, or other Federal agencies, the State agencies, to coordinate and establish adequate measures for wildlife control on such game farms and fish-cultural stations: *Provided*, That no such game farm shall hereafter be established in any State without the consent of the legislature of that State.

SEC. 6. In carrying out the provisions of this Act the Federal agencies charged with its enforcement may cooperate with other Federal agencies and with States, counties, municipalities, individuals, and public and private agencies, organizations and institutions, and may accept donations of lands, funds, and other aids to the development of the program authorized in this Act: *Provided, however*, That no such donations of land shall be accepted without consent of the legislature of the State in which such land may be situated: *Provided*, That no authority is given in this Act for setting up any additional bureau or division in any department or commission, and shall not authorize any additional appropriation for carrying out its purposes.

LACEY ACT, EXTENDING POWERS OF THE DEPARTMENT OF AGRICULTURE AND REGULATING INTERSTATE AND FOREIGN COMMERCE IN WILD BIRDS AND OTHER ANIMALS

[Act of May 25, 1900, 31 Stat. 187]

SEC. 1. That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this act, and shall expend for said purposes such sums as Congress may appropriate therefor. (U. S. Code, title 16, sec. 701.)

(For secs. 2, 3, and 4—now secs. 241–244 Penal Code—see below.)

SEC. 5. That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies, or parts thereof, of any wild game animals, or game or song birds trans-

ported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals or birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl. (U. S. Code, title 16, sec. 395.)

Secs. 2, 3, and 4 of the Lacey Act of May 25, 1900, 31 Stat. 187, were incorporated in the Penal Code of 1909, 35 Stat. 1137, as secs. 241-244, and with the amendments of secs. 242, 243, and 244 made by the Act of June 15, 1935, 49 Stat. 380, are as follows:

SEC. 241. The importation into the United States, or any Territory or District thereof, of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of Agriculture may from time to time declare to be injurious to the interests of agriculture or horticulture, is hereby prohibited; and all such birds and animals shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner. No person shall import into the United States or into any Territory or District thereof any foreign wild animal or bird, except under special permit from the Secretary of Agriculture: *Provided*, That nothing in this section shall restrict the importation of natural-history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of Agriculture may designate. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.

SEC. 242. It shall be unlawful for any person, firm, corporation, or association to deliver or knowingly receive for shipment, transportation, or carriage, or to ship, transport, or carry, by any means whatever, from any State, Territory, or the District of Columbia to, into, or through any other State, Territory, or the District of Columbia, or to a foreign country any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country contrary to any law of the United States, or captured, killed, taken, purchased, sold, or possessed contrary to any such law, or captured, killed, taken, shipped, transported, carried, purchased, sold, or possessed contrary to the law of any State, Territory or the District of Columbia, or foreign country or State, Province, or other subdivision thereof in which it was captured, killed, taken, purchased, sold, or possessed or in which it was delivered or knowingly received for shipment, transportation, or carriage, or from which it was shipped, transported, or carried; and it shall be unlawful for any person, firm, corporation, or association to transport, bring, or convey, by any means whatever, from any foreign country into the United States any wild animal or bird, or the dead body or part thereof, or the egg of any such bird captured, killed, taken, shipped, transported, or carried contrary to the law of the foreign country or State, Province, or other subdivision thereof in which it was captured, killed, taken, delivered, or knowingly received for shipment, transportation, or carriage, or from which it was shipped, transported, or carried; and no person, firm, corporation, or association shall knowingly purchase or receive any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country or shipped, transported, carried, brought, or conveyed, in violation of this section; nor shall any person, firm, corporation, or association purchasing or receiving any wild animal or bird, or the dead body or part thereof, or the egg of any such bird, imported from any foreign country, or shipped, transported, or carried in interstate commerce make any false record or render any account that is false in any respect in reference thereto.

[As amended June 15, 1935, 49 Stat. 380.]

SEC. 243. All packages or containers in which wild animals or birds, or the dead bodies or parts thereof, or the eggs of any such birds are shipped, transported, carried, brought, or conveyed, by any means whatever, from one State, Territory, or the District of Columbia to, into, or through another State, Territory, or the District of Columbia, or to or from a foreign country shall be plainly and clearly marked or labeled on the outside thereof with the names and addresses of the shipper and consignee and with an accurate statement showing by number and kind the contents thereof.

[As amended June 15, 1935, 49 Stat. 380.]

SEC. 244. For each evasion or violation of, or failure to comply with, any provision of the three sections last preceding, any person, firm, corporation, or association, upon conviction thereof, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months, or both.

[As amended June 15, 1935, 49 Stat. 380.]

AMENDMENT OF JUNE 15, 1935

[Sec. 202 of the Act of June 15, 1935, 49 Stat. 380, in part amending the preceding secs. 242, 243, and 244]

SEC. 202. That any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of said sections 242 and 243, and any officer of the customs, shall have power to arrest any person committing a violation of any provision of said sections in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of said sections; and shall have authority to execute any warrant to search for and seize wild animals or birds, or the dead bodies or parts thereof, or the eggs of such birds, delivered or received for shipment, transportation, or carriage, or shipped, transported, carried, brought, conveyed, purchased, or received in violation of said sections 242 and 243. Any judge of a court established under the laws of the United States or any United States commissioner may, within his jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Wild animals or birds, or the dead bodies or parts thereof, or the eggs of such birds, delivered or received for shipment, transportation, or carriage, or shipped, transported, carried, brought, conveyed, purchased, or received contrary to the provisions of said sections 242 and 243 shall, when found, be taken into possession and custody by any such employee or by the United States marshal or his deputy, or by any officer of the customs, and held pending disposition thereof by the court; and when so taken into possession or custody, upon conviction of the offender or upon judgment of a court of the United States that the same were delivered or received for shipment, transportation, or carriage, or were shipped, transported, carried, brought, conveyed, purchased, or received contrary to any provision of said sections 242 and 243, or were imported in violation of any law of the United States, as a part of the penalty and in addition to any fine or imprisonment imposed under aforesaid section 244, or otherwise, shall be forfeited and disposed of as directed by the court.

LAW PROTECTING WILD ANIMALS AND BIRDS AND THEIR EGGS AND GOVERNMENT PROPERTY ON FEDERAL REFUGES

[Act of Mar. 4, 1909, 35 Stat. 1088, to codify, revise, and amend the penal laws of the United States (U. S. Code, title 18, sec. 145), as amended Apr. 15, 1924, 43 Stat. 98]

SEC. 84. Whoever shall hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatever, or take or destroy the eggs of any such bird on any lands of the United States which have been set apart or reserved as refuges or breeding grounds for such birds or animals by any law, proclamation, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, or who shall willfully injure, molest, or destroy any property of the United States on any such lands shall be fined not more than \$500, or imprisoned not more than six months, or both.

PARTICIPATION OF STATES IN REVENUE FROM CERTAIN WILDLIFE REFUGES

[Act of June 15, 1935, 49 Stat. 383, to amend the Migratory Bird Hunting Stamp Act of Mar. 16, 1934, and certain other acts relating to game and other wildlife, administered by the Department of Agriculture, and for other purposes]

SEC. 401. That 25 per centum of all money received during each fiscal year from the sale or other disposition of surplus wildlife, or of timber, hay,

grass, or other spontaneous products of the soil, shell, sand, or gravel, and from other privileges on refuges established under the Migratory Bird Conservation Act of February 18, 1929, or under any other law, proclamation, or Executive order, administered by the Bureau of Biological Survey of the United States Department of Agriculture, shall be paid at the end of such year by the Secretary of the Treasury to the county or counties in which such refuge is situated, to be expended for the benefit of the public schools and roads in the county or counties in which such refuge is situated: *Provided*, That when any such refuge is in more than one State or Territory or county or subdivision, the distributive share to each from the proceeds of such refuge shall be proportional to its area therein: *Provided further*, That the disposition or sale of surplus animals, and products, and the grant of privileges on said wildlife refuges may be made upon such terms and conditions as the Secretary of Agriculture shall determine to be for the best interests of government or for the advancement of knowledge and the dissemination of information regarding the conservation of wildlife, including sale in the open market, exchange for animals of the same or other kinds, and gifts or loans to public or private institutions for exhibition or propagation: *And Provided further*, That out of any moneys received from the grant, sale, or disposition of such animals, products, or privileges, or as a bonus upon the exchange of such animals the Secretary of Agriculture is authorized to pay any necessary expenses incurred in connection with and for the purpose of effecting the removal, grant, disposition, sale, or exchange of such animals, products, or privileges; and in all cases such expenditures shall be deducted from the gross receipts of the refuge before the Secretary of the Treasury shall distribute the 25 per centum thereof to the States as hereinbefore provided.

PENALTIES FOR SETTING FIRES ON PUBLIC DOMAIN

[Act of Mar. 4, 1909, U. S. Code, title 18, Criminal Code and Criminal Procedure]

SEC. 106. Whoever shall willfully set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be fined not more than \$5,000, or imprisoned not more than two years, or both.

SEC. 107. Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than \$1,000, or imprisoned not more than one year, or both. [Constitutional, *U. S. v. Alford*, 274 U. S., 264.]

ASSAULTING FEDERAL OFFICERS AND RESISTING ARREST

[Act of May 18, 1934, 48 Stat. 780, as amended Feb. 8, 1936, 49 Stat. 1105]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever shall kill, as defined in sections 273 or 274, of the Criminal Code, any United States marshal or deputy United States marshal, special agent of the Federal Bureau of Investigation of the Department of Justice, post-office inspector, Secret Service operative, any officer or enlisted man of the Coast Guard, any employee of any United States penal or correctional institution, any officer of the Customs Service or of the Internal Revenue Service, any immigrant inspector or any immigration patrol inspector, any officer or employee of the Department of Agriculture designated by the Secretary of Agriculture to enforce any act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Division of Grazing of the Department of the Interior, or any officer or employee of the Indian field service of the United States, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under section 275, of the Criminal Code.

SEC. 2. Whoever shall forcibly resist, oppose, impede, intimidate, or interfere with any person designated in section 1, hereof while engaged in the performance of his official duties, or shall assault him on account of the performance of his

official duties, shall be fined not more than \$5,000, or imprisoned not more than three years, or both; and whoever, in the commission of any of the acts described in this section, shall use a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.

PROVISIONS OF TARIFF ACT REGULATING IMPORTATION OF PLUMAGE, GAME, ETC.

[Act of June 17, 1930, U. S. Code, title 19, Customs Duties]

Title I.—Dutiable List

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS

PAR. 704. Reindeer meat, venison, and other game (except birds), fresh, chilled, or frozen, not specially provided for, 6 cents per pound.

PAR. 711. Birds, live: Chickens, ducks, geese, turkeys, and guineas, 8 cents per pound; baby chicks of poultry, 4 cents each; all other live birds not specially provided for, valued at \$5 or less each, 50 cents each; valued at more than \$5 each, 20 per centum ad valorem.

PAR. 712. Birds, dead, dressed or undressed, fresh, chilled, or frozen: Chickens, ducks, geese, and guineas, 10 cents per pound; turkeys, 10 cents per pound; all other, 10 cents per pound; all the foregoing, prepared or preserved in any manner and not specially provided for, 10 cents per pound.

PAR. 715. Live animals, vertebrate and invertebrate, not specially provided for, 15 per centum ad valorem.

SCHEDULE 15.—SUNDRIES

PAR. 1518. Feathers and downs, on the skin or otherwise, crude or not dressed, colored, or otherwise advanced or manufactured in any manner, not specially provided for, 20 per centum ad valorem; dressed, colored, or otherwise advanced or manufactured in any manner, including quilts of down and other manufactures of down, 60 per centum ad valorem; feather dusters, 45 per centum ad valorem; artificial or ornamental feathers suitable for use as millinery ornaments, 60 per centum ad valorem; * * * and all articles not specially provided for, composed wholly or in chief value of any of the feathers, * * * above mentioned, shall be subject to the rate of duty provided in this paragraph for such materials, but not less than 60 per centum ad valorem: *Provided*, That the importation of birds of paradise, aigrettes, egret plumes or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, and not for scientific or educational purposes, is hereby prohibited; but this provision shall not apply to the feathers or plumes of ostriches or to the feathers or plumes of domestic fowls of any kind: *Provided further*, That birds of paradise, and the feathers, quills, heads, wings, tails, skins, or parts thereof, and all aigrettes, egret plumes, or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, of like kind to those the importation of which is prohibited by the foregoing provisions of this paragraph, which may be found in the United States, on and after the passage of this Act, except as to such plumage or parts of birds in actual use for personal adornment, and except such plumage, birds or parts thereof imported therein for scientific or educational purposes, shall be presumed for the purpose of seizure to have been imported unlawfully after October 3, 1913, and the collector of customs shall seize the same unless the possessor thereof shall establish, to the satisfaction of the collector that the same were imported into the United States prior to October 3, 1913, or as to such plumage or parts of birds that they were plucked or derived in the United States from birds lawfully therein; and in case of seizure by the collector, he shall proceed as in case of forfeiture for violation of the customs laws, and the same shall be forfeited, unless the claimant shall, in any legal proceeding to enforce such forfeiture, other than a criminal prosecution, overcome the presumption of illegal importation and establish that the birds or articles seized, of like kind to those mentioned the importation of which is prohibited as above, were imported into the United States prior to October 3, 1913, or were plucked in the United States from birds lawfully therein.

That whenever birds or plumage, the importation of which is prohibited by the foregoing provisions of this paragraph, are forfeited to the Government, the Secretary of the Treasury is hereby authorized to place the same with the departments or bureaus of the Federal or State Governments or societies or museums for exhibition or scientific or educational purposes, but not for sale or personal use; and in the event of such birds or plumage not being required or desired by either Federal or State Government or for educational purposes, they shall be destroyed.

That nothing in this act shall be construed to repeal the provisions of the act of March 4, 1913, chapter 145 (Thirty-seventh Statutes at Large, p. 847), or the act of July 3, 1918 (Fortieth Statutes at Large, p. 755), or any other law of the United States, now of force, intended for the protection or preservation of birds within the United States. That if on investigation by the collector before seizure, or before trial for forfeiture, or if at such trial if such seizure has been made, it shall be made to appear to the collector, or the prosecuting officer of the Government, as the case may be, that no illegal importation of such feathers has been made, but that the possession, acquisition, or purchase of such feathers is or has been made in violation of the provisions of the act of March 4, 1913, chapter 145 (Thirty-seventh Statutes at Large, p. 847), or the act of July 3, 1918 (Fortieth Statutes at Large, p. 755), or any other law of the United States, now of force, intended for the protection or preservation of birds within the United States, it shall be the duty of the collector, or such prosecuting officer, as the case may be, to report the facts to the proper officials of the United States, or State or Territory charged with the duty of enforcing such laws.

PAR. 1519. (a) Dressed furs and dressed fur skins (except silver or black fox), and plates, mats, linings, strips, and crosses of dressed dog, goat, or kid skins, 25 per centum ad valorem; all the foregoing, if dyed, 30 per centum ad valorem.

(b) Manufactures of fur (except silver or black fox) further advanced than dressing, prepared for use as material * * * if not dyed, 35 per centum ad valorem; if dyed, 40 per centum ad valorem.

(c) Silver or black fox furs or skins, dressed or undressed, not specially provided for, 50 per centum ad valorem.

(e) Articles wholly or partly manufactured (including fur collars, fur cuffs, and fur trimmings), wholly or in chief value of fur, not specially provided for, 50 per centum ad valorem.

PAR. 1520. Hatters' furs, or furs not on the skin, prepared for hatters' use, including fur skins caroted, 35 per centum ad valorem.

PAR. 1530. (c) Leather * * * made from the hides or skins of * * * reptiles and birds, 25 per centum ad valorem.

PAR. 1535. * * * any prohibition of the importation of feathers in this act shall not be construed as applying to artificial flies used for fishing, or to feathers used for the manufacture of such flies.

Title II.—Free List

SCHEDULE 16

PAR. 1606. (a) Any animal imported by a citizen of the United States specially for breeding purposes, shall be admitted free, whether intended to be used by the importer himself or for sale for such purposes, except black or silver foxes: *Provided*, That no such animal shall be admitted free unless purebred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed: *Provided further*, That the certificate of such record and pedigree of such animal shall be produced and submitted to the Department of Agriculture, duly authenticated by the proper custodian of such book of record, together with an affidavit of the owner, agent, or importer that the animal imported is the identical animal described in said certificate of record and pedigree. The Secretary of Agriculture may prescribe such regulations as may be required for determining the purity of breeding and the identity of such animal: *And provided further*, That the collectors of customs shall require a certificate from the Department of Agriculture stating that such animal is purebred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed.

(b) The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision.

(c) * * * the provisions of this act shall apply to all such animals as have been imported and are in quarantine or otherwise in the custody of

customs or other officers of the United States at the date of the taking effect of this act.

PAR. 1607. Animals and poultry, brought into the United States temporarily for a period not exceeding six months, for the purpose of breeding, exhibition, or competition for prizes offered by any agricultural, polo, or racing association; but a bond shall be given in accordance with regulations prescribed by the Secretary of the Treasury; also teams of animals, including their harness and tackle, and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration, under such regulations as the Secretary of the Treasury may prescribe; and wild animals and birds intended for exhibition in zoological collections for scientific or educational purposes, and not for sale or profit.

PAR. 1671. Eggs of birds, fish, and insects (except fish roe for food purposes): *Provided*, That the importation eggs of wild birds is prohibited, except eggs of game birds imported for propagating purposes under regulations prescribed by the Secretary of Agriculture, and specimens imported for scientific collections.

PAR. 1681. Furs and fur skins, not specially provided for, undressed.

PAR. 1682. Live game animals and birds, imported for stocking purposes, and game animals and birds killed in foreign countries by residents of the United States and imported by them for noncommercial purposes; under such regulations as the Secretary of Agriculture and the Secretary of the Treasury shall prescribe.

PAR. 1741. Pigeons, fancy or racing.

PAR. 1765. Skins of all kinds, raw, and hides not specially provided for.

PAR. 1767. Specimens of natural history, botany, and mineralogy, when imported for scientific public collections and not for sale.

Title IV.—Administrative Provisions

IMPORTATION OF WILD MAMMALS AND BIRDS IN VIOLATION OF FOREIGN LAW

SEC. 527. (a) *Importation prohibited*.—If the laws or regulations of any country, dependency, province, or other subdivision of government restrict the taking, killing, possession, or exportation to the United States of any wild mammal or bird, alive or dead, or restrict the exportation to the United States of any part or product of any wild mammal or bird, whether raw or manufactured, no such mammal or bird, or part or product thereof, shall, after the expiration of ninety days after the enactment of this act, be imported into the United States from such country, dependency, province, or other subdivision of government, directly or indirectly, unless accompanied by a certification of the United States consul, for the consular district in which is located the port or place from which such mammal, or bird, or part or product thereof, was exported from such country, dependency, province, or other subdivision of government, that such mammal or bird, or part or product thereof, has not been acquired or exported in violation of the laws or regulations of such country, dependency, province, or other subdivision of government.

(b) *Forfeiture*.—Any mammal or bird, alive or dead, or any part or product thereof, whether raw or manufactured, imported into the United States in violation of the provisions of the preceding subdivision shall be subject to seizure and forfeiture under the customs laws. Any such article so forfeited may, in the discretion of the Secretary of the Treasury and under such regulations as he may prescribe, be placed with the departments or bureaus of the Federal or State Governments, or with societies or museums, for exhibition or scientific or educational purposes, or destroyed, or (except in the case of heads or horns of wild mammals) sold in the manner provided by law.

(c) *Section not to apply in certain cases*.—The provisions of this section shall not apply in the case of—

(1) *Prohibited importations*.—Articles the importation of which is prohibited under the provisions of this act, or of section 241 of the Criminal Code, or of any other law;

(2) *Scientific or educational purposes*.—Wild mammals or birds, alive or dead, or parts or products thereof, whether raw or manufactured, imported for scientific or educational purposes;

(3) *Certain migratory game birds*.—Migratory game birds (for which an open season is provided by the laws of the United States and any foreign country which is a party to a treaty with the United States, in effect on the date

of importation, relating to the protection of such migratory game birds) brought into the United States by bona fide sportsmen returning from hunting trips in such country, if at the time of importation the possession of such birds is not prohibited by the laws of such country or of the United States.

CANADIAN TARIFF ACT PROHIBITING IMPORTATION OF PLUMAGE, MONGOOSES, AND CERTAIN BIRDS

The importation of bird plumage into Canada for millinery purposes is prohibited by tariff item 1212 under schedule C (prohibited goods), as added by section 5 of the Canadian Customs Tariff Act of 1914. Item 1212 prohibits the entry of the following:

1212. Aigrettes, egret plumes or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins of wild birds either raw or manufactured; but this provision shall not apply to—

(a) The feathers or plumes of ostriches;

(b) The plumage of the English pheasant and the Indian peacock; the plumage of wild birds and groups recognized as game birds in any Canadian game law, and for which an open season is provided thereunder;

(c) The plumage of birds imported alive; nor to—

(d) Specimens imported under regulations of the Minister for any natural history or other museum or for scientific or educational purposes.

Item 1214 under Schedule C (prohibited goods), as added by the Customs Tariff Act, effective May 24, 1922, prohibits the entry of the following:

1214. (a) Common mongoose (*Herpestes griseus*) or mongoose of any kind;

(b) Common mynah, Chinese mynah, crested mynah, or any other species of the starling family (Sturnidae);

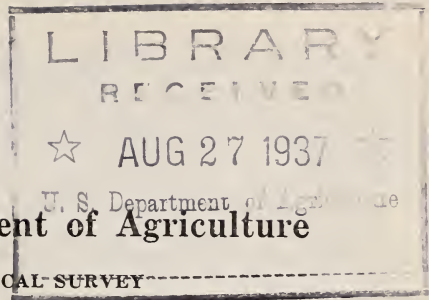
(c) Java sparrows, rice birds, nutmeg finch, or other species of the weaver bird family (Ploceidae);

(d) European chaffinch (*Fringilla coelebs*);

(e) Great titmouse (*Parus major*).







United States Department of Agriculture

BUREAU OF BIOLOGICAL SURVEY

SERVICE AND REGULATORY ANNOUNCEMENTS

REGULATIONS RELATING TO MIGRATORY BIRDS AND CERTAIN GAME MAMMALS: 1937

[Superseding Migratory Bird Treaty Act regulations of July 31, 1918, as amended]

Regulation 1.—Definitions of Migratory Birds and Game Mammals

Migratory birds included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds, and between the United States and United Mexican States for the protection of migratory birds and game mammals, concluded, respectively, August 16, 1916, and February 7, 1936, are as follows:

1. Migratory game birds:

- (a) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.
- (b) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.
- (c) Rallidae, or rails, including coots, gallinules, and sora and other rails.
- (d) Limicolae (Charadrii), or shore birds, including avocets, curlews, dowitchers, godwits, knots, oyster-catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.
- (e) Columbidae, or pigeons, including doves and wild pigeons.

2. Migratory insectivorous and other migratory nongame birds:

Cuckoos, flickers and other woodpeckers; nighthawks, or bullbats, chuck-will's-widows, poorwills, and whippoorwills; swifts; hummingbirds; kingbirds, phoebes, and other flycatchers; horned larks; bobolinks, cowbirds, blackbirds, grackles, meadowlarks, and orioles; grosbeaks, finches, sparrows, and buntings; tanagers; martins and other swallows; waxwings; phainopeplas; shrikes; vireos; warblers; pipits; catbirds, mockingbirds, and thrashers; wrens, brown creepers; nuthatches; chickadees and titmice; kinglets and gnatcatchers, robins and other thrushes; all other perching birds which feed entirely or chiefly on insects; and auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

Game mammals under the terms of the aforesaid convention between the United States and the United Mexican States include:

Antelope, mountain sheep, deer, bears, peccaries, squirrels, rabbits, and hares.

Regulation 2.—Definition of Terms

For the purposes of these regulations the following terms shall be construed, respectively, to mean and to include—

¹ Full text of the Migratory Bird Treaty and the Migratory Bird Treaty Act and other Federal laws concerning wildlife conservation may be obtained by consulting Service and Regulatory Announcements, B. S. 87. Persons desiring information regarding further restrictions on seasons, bag and possession limits, and other hunting provisions should communicate with appropriate State officials, whose addresses are given on p. 10.

Secretary.—The Secretary of Agriculture of the United States.

Chief of the Bureau.—The Chief of the Bureau of Biological Survey, United States Department of Agriculture.

Person.—The plural or the singular, as the case demands, individuals, clubs, associations, partnerships, and corporations, unless the context otherwise requires.

Take.—Hunt, kill, or capture, or attempt to hunt, kill, or capture.

Open season.—The time during which migratory birds may be taken.

Transport.—Ship, transport, carry, export, import, and receive or deliver for shipment, transportation, carriage, exportation, or importation.

Regulation 3.—Means by Which Migratory Game Birds May Be Taken

The migratory game birds for which open seasons are specified in regulation 4 of these regulations may be taken during such respective open seasons with a shotgun only, not larger than no. 10 gage, fired from the shoulder, except as specifically permitted by regulations 7, 8, 9, and 10 of these regulations, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined; they may be taken during the open season from land or water, with the aid of a dog, and from a blind, boat, or floating craft except sinkbox (battery), powerboat, sailboat, any boat under sail, and any craft or device of any kind towed by powerboat or sailboat; but nothing herein shall permit the taking of migratory game birds from or by means, aid, or use of an automobile or aircraft of any kind.

Waterfowl (except for propagation, scientific, or banding purposes under permit pursuant to regulations 8 and 9 of these regulations) and mourning doves and white-winged doves are not permitted to be taken by means, aid, or use, directly or indirectly, of corn, wheat, oats, or other grain or product thereof, salt, or any kind of feed whatsoever, placed, deposited, distributed, scattered, or otherwise put out whereby such waterfowl or doves are lured, attracted, or enticed, regardless of the distance intervening between any such grain, salt, or feed and the position of the taker; and in the taking of waterfowl, the use, directly or indirectly, of live duck or goose decoys is not permitted, regardless of the distance intervening between any such live decoys and the position of the taker; nor shall anything in these regulations be deemed to permit the use of aircraft of any kind, or of a powerboat, sailboat, or other floating craft or device of any kind, for the purpose of concentrating, driving, rallying, or stirring up waterfowl.

A person over 16 years of age is not permitted to take migratory waterfowl unless at the time of such taking he has on his person an unexpired Federal migratory bird hunting stamp, validated by his signature written across the face thereof in ink. Persons not over 16 years of age are permitted to take migratory waterfowl without such stamp.

Regulation 4.—Open Seasons on and Possession of Certain Migratory Game Birds

Waterfowl (except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, canvasback duck, redhead duck, ruddy duck, bufflehead duck, and swans), and coot, may be taken each day from 7 a. m. to 4 p. m., and rails and gallinules (other than coot), Wilson's snipe or jacksnipe, woodcock, mourning doves, white-winged doves, and band-tailed pigeons from 7 a. m. to sunset each day during the open seasons prescribed therefor in this regulation, and they may be taken by the means and in the numbers permitted by regulations 3 and 5 of these regulations, respectively, and when so taken may be possessed in the numbers permitted by regulation 5 any day in any State or Territory, or in the District of Columbia during the period constituting the open season where taken and for an additional period of 10 days next succeeding said open season, but no such bird shall be possessed in a State or Territory, or in the District of Columbia at a time when such State, Territory, or District prohibits the possession thereof. Nothing herein shall be deemed to permit the taking of mi-

gratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), nor on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding grounds, or refuge except insofar as may be permitted by the Secretary of Agriculture under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

Waterfowl, Wilson's snipe or jacksnipe, and coot.—The open seasons for waterfowl (*except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, ruddy duck, canvas-back duck, redhead duck, bufflehead duck, and swans*), Wilson's snipe or jacksnipe, and coot, in the several States and Alaska, shall be as follows, both dates inclusive:

In Colorado, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New York (except Long Island), North Dakota, Ohio, Oklahoma, South Dakota, Vermont, Wisconsin, and Wyoming, October 9 to November 7.

In Connecticut, Delaware, Idaho, Illinois, Indiana, Kentucky, Missouri, Nevada, New Jersey, New Mexico, that portion of New York known as Long Island, Oregon, Pennsylvania, Rhode Island, Utah, Washington, and West Virginia, November 1 to November 30.

In Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, November 27 to December 26.

In Alaska north of the Alaska Range and the Ahklun Mountains, September 1 to September 30; south of the Alaska Range and the Ahklun Mountains west of the one hundred and forty-first meridian and east of False Pass at the tip of the Alaska Peninsula, September 16 to October 15; southeastern Alaska from the one hundred and forty-first meridian to Dixon's Entrance, October 1 to October 30; and Islands of Unimak, Unalaska, Akutan, and Akun west of Unimak Pass in the Aleutian Island group, November 1 to November 30.

Rails and gallinules (*except coot*).—The open season for rails and gallinules (*except coot*), shall be from September 1 to November 30, both dates inclusive, except as follows:

Washington and Massachusetts, October 1 to November 30.

New York (except Long Island), October 9 to November 7.

That portion of New York known as Long Island, November 1 to November 30.

Wisconsin, October 9 to November 7.

Alabama, November 20 to January 31.

Louisiana, November 1 to January 31.

District of Columbia, no open season.

Woodcock.—The open seasons for woodcock shall be as follows, both dates inclusive:

Wisconsin, October 17 to October 31.

That portion of New York lying north of the tracks of the main line of the New York Central Railroad extending from Buffalo to Albany and north of the tracks of the main line of the Boston and Albany Railroad extending from Albany to the Massachusetts State line, and in Maine, New Hampshire, Vermont, Pennsylvania, Michigan, and North Dakota, October 1 to October 31.

That portion of New York lying south of the line above described and in Delaware, New Jersey, Ohio, Indiana, and Iowa, October 15 to November 14.

That portion of New York known as Long Island, November 1 to November 30.

Massachusetts, Rhode Island, and Connecticut, October 21 to November 20.

Missouri, November 10 to December 10.

Maryland, Virginia, West Virginia, Kentucky, Arkansas, and Oklahoma, November 15 to December 15.

North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana, December 1 to December 31.

Mourning doves.—The open seasons for mourning doves shall be as follows, both dates inclusive:

Arizona, Arkansas, California, Idaho, Illinois, Kansas, Kentucky, Minnesota, Missouri, New Mexico, Nevada, Nebraska, Oklahoma, Oregon, Tennessee, Utah, and Virginia, September 1 to November 15.

Delaware, September 15 to November 1 and November 15 to December 15.

Maryland, September 1 to September 30 and November 15 to December 31.

Florida (except in Dade, Broward, and Monroe Counties), November 20 to January 31.

That portion of Florida comprising Dade, Broward, and Monroe Counties, October 1 to November 15.

Louisiana and Mississippi, September 15 to October 1 and November 20 to January 15.

North Carolina, September 15 to October 15 and December 20 to January 31.

Alabama, in the counties of Pickens, Tuscaloosa, Jefferson, Shelby, Talladega, Clay, Randolph, and all counties north thereof; Georgia, in the counties of Troup, Meriwether, Pike, Lamar, Monroe, Jones, Baldwin, Washington, Jefferson, Burke, and all counties north thereof; and South Carolina, in the counties of Aiken, Saluda, Newberry, Fairfield, Lancaster, Chesterfield, and all counties north thereof, September 15 to October 15 and December 20 to January 31.

Alabama, Georgia, and South Carolina, in the counties other than those aforesaid, November 20 to January 31.

Texas, in the counties of Yoakum, Terry, Lynn, Garza, Kent, Stonewall, King, Cottle, Childress, and all counties north and west thereof, September 1 to October 31.

Texas, south and east of the above described boundaries, September 15 to November 15.

White-winged doves.—The open season for white-winged doves shall be as follows, both dates inclusive:

Arizona, August 5 to September 3.

Texas, in the counties of Yoakum, Terry, Lynn, Garza, Kent, Stonewall, King, Cottle, Childress, and all counties north and west thereof, September 1 to October 31.

Texas, south and east of the above described boundaries, September 15 to November 15.

Band-tailed pigeons.—The open seasons for band-tailed pigeons shall be as follows, both dates inclusive:

California, December 1 to December 15.

Arizona and Oregon, October 16 to October 30.

New Mexico, October 1 to October 15.

Washington, September 16 to September 30.

Regulation 5.—Daily Bag and Possession Limits on Certain Migratory Game Birds

A person may take in any one day during the open seasons prescribed therefor in regulation 4 of these regulations not to exceed the following numbers of migratory game birds, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking such birds; and when so taken these may be possessed in the numbers specified as follows:

Ducks (*except wood duck, canvasback duck, redhead duck, ruddy duck, and bufflehead duck*).—Ten in the aggregate of all kinds, and any person at any one time may possess not more than 10 ducks in the aggregate of all kinds.

Geese and brant (*except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, and Ross's goose*).—Five in the aggregate of all kinds, and any person at any one time may possess not more than 5 geese and brant in the aggregate of all kinds.

Rails and gallinules (*except sora and coot*).—Fifteen in the aggregate of all kinds, and any person at any one time may possess not more than 15 in the aggregate of all kinds.

Sora.—Fifteen, and any person at any one time may possess not more than 15.

Coot.—Twenty-five, and any person at any one time may possess not more than 25.

Wilson's snipe or jacksnipe.—Fifteen, and any person at any one time may possess not more than 15.

Woodcock.—Four, and any person at any one time may possess not more than 4.

Mourning doves and white-winged doves.—Fifteen in the aggregate of both kinds, and any person at any one time may possess not more than 15 in the aggregate of both kinds.

Band-tailed pigeons.—Ten, and any person at any one time may possess not more than 10.

The possession limits hereinbefore prescribed shall apply as well to ducks, geese, brant, rails, including coot and gallinules, Wilson's snipe or jacksnipe, woodcock, mourning doves, white-winged doves, and band-tailed pigeons taken in Canada, Mexico, or other foreign country and brought into the United States, as to those taken in the United States.

Regulation 6.—Shipment, Transportation, and Possession of Certain Migratory Game Birds

Migratory game birds of a species for which open seasons are prescribed by regulation 4 of these regulations, legally taken, and parts thereof, may be transported in any manner in or out of the State where taken during the respective open seasons in that State, and when legally taken in and exported from Canada or Mexico, and if from Mexico are accompanied by a Mexican export permit, may be transported into the United States during the open season in the Province, State, or District where killed, but not more than the number thereof that may be taken in 1 day by one person under these regulations shall be transported by one person in 1 calendar week out of the State where taken or from Canada or Mexico into the United States; any such birds or parts thereof in transit during the open season may continue in transit such additional time immediately succeeding such open season, not to exceed 5 days, necessary to deliver the same to their destination, and may be possessed in any State, Territory, or District during the period constituting the open season where taken, and for an additional period of 10 days next succeeding said open season; and any package in which such birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds or parts thereof contained therein clearly and conspicuously marked on the outside thereof; but no such birds or parts thereof shall be transported from any State or Territory, or the District of Columbia, to or through another State or Territory, or the District of Columbia, or to or through Canada or Mexico contrary to the laws of the State or Territory, or the District of Columbia in which they were taken or from which they are transported; nor shall any such birds or parts thereof be transported into any State or Territory, or the District of Columbia, from another State or Territory, or the District of Columbia, or from Canada or Mexico, or from any State or Territory, or the District of Columbia into any Province of the Dominion of Canada or into Mexico at a time when any such State, Territory, District, or Province, or Mexico, into which they are transported, prohibits the possession or transportation thereof.

Migratory game birds imported from countries other than Canada and Mexico.—Migratory game birds of a species for which open seasons are prescribed by regulation 4 of these regulations, legally taken in and exported from a foreign country (other than Canada and Mexico, for which provision is hereinbefore made), may be transported to and possessed in any State or Territory, during the open season prescribed by said regulation 4 in such State or Territory for that species and for a period of 10 days immediately succeeding such open season, and in the District of Columbia during the open season so prescribed for Maryland and 10 days thereafter, in numbers in any 1 calendar week not exceeding those permitted to be taken in 1 day by regulation 5 of these regulations, if transportation and possession of such birds is not prohibited by the laws of such State, Territory, or District and if transported in packages marked as hereinbefore provided.

Regulation 7.—Taking of Certain Migratory Nongame Birds by Eskimos and Indians in Alaska

In Alaska Eskimos and Indians may take, in any manner and at any time, and may possess and transport, auks, auklets, guillemots, murres, and puffins and their eggs and skins for the use of themselves and their immediate families for food and clothing.

Regulation 8.—Permits to Propagate Migratory Waterfowl

1. A person in possession of a valid, subsisting permit issued to him by a State, on its part, authorizing him to take therein migratory waterfowl or

their eggs for propagating purposes, may take such birds or their eggs in such State for such purposes when authorized by a permit issued to him by the Secretary, which permit may limit the species and numbers of birds or eggs that may be taken and the period during which and the locality where they may be taken. Both permits shall be carried on the person of the permittee when he is taking migratory waterfowl or their eggs and shall be exhibited to any person requesting to see them. Waterfowl and their eggs so taken may be possessed by the permittee and may be sold and transported by him for propagating purposes to any person holding a permit issued by the Secretary in accordance with the provisions of this regulation.

2. A person in possession of a valid, subsisting permit issued to him by a State, on its part, authorizing him to possess, purchase, sell, and transport migratory waterfowl and their increase and eggs for propagating purposes, may possess, purchase, sell, and transport such waterfowl and their increase and eggs for such purposes when authorized by a permit issued to him by the Secretary; but may not purchase or sell to any person not authorized by these regulations or by a permit issued thereunder to sell or purchase such waterfowl and their eggs; and migratory waterfowl, except the birds taken under paragraph 1 of this regulation, so possessed may be killed by him at any time and in any manner (except that they may be killed by shooting only during the open season for waterfowl in the State where killed), and the carcasses, with heads and feet attached thereto, may be sold and transported by him to any person for actual consumption, or to the keeper of a hotel, restaurant, or boarding house, a retail dealer in meat or game, or a club, for sale or service to their patrons, who may possess such carcasses for actual consumption without a permit, but no such birds that have been killed shall be bartered, sold, or purchased unless each bird before attaining the age of 4 weeks shall have had removed from the web of one foot a portion thereof in the form of a V large enough to make a permanent, well-defined mark, which shall be sufficient to identify it as a bird raised in domestication under a permit.

3. Applications for permits shall be addressed to the Secretary of Agriculture, Washington, D. C., and must state the name and address of the applicant; the place where the propagating project is to be carried on; the area to be used in the project; the facilities the applicant has for properly caring for the waterfowl; the number of each species of waterfowl in his possession, and how, when, and where they were acquired; and, if the application is for a permit to take migratory waterfowl or their eggs, the species and number of each species or eggs of each species proposed to be taken, and the specific locality where it is proposed to take them.

4. Every permittee shall keep books and records that shall correctly set forth the number of each species of waterfowl and their eggs taken by him, if he holds a permit to take waterfowl, the number of each species of waterfowl and their eggs possessed on the date of the application for a permit, the number of each species reared and killed, the number of each species and their eggs sold and transported, the manner in which they were transported, the name and address of each person from or to whom waterfowl and eggs were purchased or sold, the number and species so purchased or otherwise acquired or sold and whether sold alive or dead, and the date of each transaction. Whenever requested by the Chief of the Bureau, the permittee shall submit to him such report of his operations under the permit as may be called for, and in any event shall file with the Secretary, on a form provided therefor, on or before January 10, a full report of his operations during the preceding calendar year. Failure to make the reports herein provided for will be cause for revocation of the permit.

5. A permittee shall at all reasonable hours allow any authorized employee of the United States Department of Agriculture to enter and inspect the premises where operations are being carried on under this regulation and to inspect the books and records relating thereto.

6. No permit issued by the Secretary authorizes the taking, possession, sale, purchase, exchange, or transportation of migratory waterfowl or their eggs unless the permittee has in his possession while exercising any such privilege a valid, subsisting permit of equivalent tenor issued to him by the State in which he proposes to operate. No permit issued by the Secretary authorizes the transportation of migratory waterfowl or their eggs from Mexico into the United States unless such waterfowl or eggs are accompanied by a Mexican export permit. Permits are not transferable and are revocable at any time

in the discretion of the Secretary. A permit revoked by the Secretary shall be surrendered to him by the person to whom it was issued on demand of any employee of the United States Department of Agriculture authorized to enforce the Migratory Bird Treaty Act.

7. A person may possess and transport, subject to the provisions of paragraph 8 of this regulation, for his own use, without a permit, live migratory waterfowl now legally possessed or hereafter legally acquired by him, but he may not purchase or sell such waterfowl without a permit. A State or municipal game farm or city park may possess, purchase, sell, and transport live migratory waterfowl without a permit, but no such waterfowl shall be purchased from or sold to a person (other than such State or municipal game farm or city park) unless he has a permit. Feathers of wild ducks and wild geese legally killed, and feathers of such birds seized and condemned by Federal or State game authorities, may be possessed, purchased, sold, and transported for use in making fishing flies, bed pillows, and mattresses, and for such similar commercial purposes, but not for millinery or ornamental purposes.

8. Every package in which migratory waterfowl or parts or eggs thereof are shipped wholly within a State or Territory or the District of Columbia, or in which such waterfowl, parts or eggs are transported by any means whatever from one State, Territory, or the District of Columbia, to, into, or through another State, Territory, or the District of Columbia, or to a foreign country, shall be plainly and clearly marked, labeled, or tagged on the outside thereof to show the name and address of the consignor and consignee, the contents of the package, the number of the permit under authority of which it is shipped or transported and the purpose for which the waterfowl or eggs are being shipped or transported.

Regulation 9.—Permits to Collect Migratory Birds for Scientific Purposes

1. A person in possession of a valid, subsisting permit issued to him by a State, on its part, authorizing him to take therein migratory birds or their nests or eggs for scientific purposes may take such birds or their nests or eggs in such State for such purposes when authorized by a permit issued to him by the Secretary. Both permits shall be carried on his person when he is collecting migratory birds thereunder, and shall be exhibited to any person requesting to see them; but nothing herein shall be deemed to permit the taking of any migratory game bird during the open season therefor in any manner or by any means or at any time of the day not permitted by regulations 3 and 4 of these regulations.

2. Applications for permits shall be addressed to the Secretary of Agriculture, Washington, D. C., and must state the name and address of the applicant, his age, the State or Territory in which migratory birds or their nests or eggs are proposed to be taken, the purpose for which they are intended, information sufficient to show that such birds, nests or eggs permitted to be taken will be devoted to scientific purposes, and the names and addresses of at least two well-known ornithologists, principals or superintendents of educational or zoological institutions, officials or members of zoological or natural history organizations, or instructors in zoology in high schools, colleges, or universities, from whom may be obtained information respecting the applicant's status as a scientific investigator. The applicant must furnish such other information touching his fitness to be entrusted with a permit as may be called for by the Secretary.

3. A permit may limit the number and species of migratory birds or their nests or eggs that may be taken thereunder, and the places where, time when, and means by which they may be taken, and may authorize the holder thereof, when possessed of an equivalent State permit, to possess, purchase, sell, exchange, and transport migratory birds and their nests and eggs for scientific purposes but not to purchase or sell to any person not authorized by these regulations or by a permit issued thereunder to sell or purchase such birds, nests or eggs, or it may limit the holder to one or more of these privileges. Public museums, zoological parks and societies, and public scientific and educational institutions may possess, purchase, sell, exchange, and transport migratory birds and their nests and eggs for scientific purposes, without a permit, but no such birds, nests, or eggs shall be taken without a permit or purchased from, sold to, or exchanged with a person not authorized by these regulations or by a permit issued thereunder to sell, purchase or exchange them. The

plumage and skins of migratory game birds legally taken may be possessed and transported by a person without a permit.

4. A taxidermist, when authorized by a permit issued by the Secretary, may possess any migratory bird, or nest or egg thereof delivered to him for mounting or other preparation by any person who has legally taken or legally possesses it and may transport such bird, nest or egg in consummation of such purpose when likewise authorized by the State in which such permittee is operating. Every such permittee shall keep books and records correctly setting forth the name and address of each person delivering each migratory bird or nest or egg thereof to him, together with the name of each species, the date of delivery, the disposition of each such bird, nest or egg and the date thereof, and such books and records shall be available for inspection at all reasonable hours on request of any authorized representative of the Department of Agriculture.

5. No permit issued by the Secretary authorizes the taking, possession, sale, purchase, exchange, or transportation of any migratory bird, or nest or egg thereof, unless the permittee has in his possession while exercising any such privilege a valid, subsisting permit of equivalent tenor issued to him by the State in which he proposes to operate. No permit issued by the Secretary authorizes the transportation of any migratory bird, or part, nest, or egg thereof from Mexico into the United States unless such bird, or part, nest, or egg is accompanied by a Mexican export permit. Permits are not transferable and are revocable at any time in the discretion of the Secretary. A permit revoked by the Secretary shall be surrendered to him by the person to whom it was issued on demand of any employee of the United States Department of Agriculture authorized to enforce the Migratory Bird Treaty Act. Whenever requested by the Chief of the Bureau, the permittee shall submit to him such report of his operations under the permit as may be called for, and in any event shall file with the Secretary, on a form provided therefor, on or before January 10, a full report of his operations during the preceding calendar year. Failure to make the reports herein provided for will be cause for revocation of the permit.

6. Every package in which migratory birds or parts, nests, or eggs thereof, are shipped wholly within a State or Territory or the District of Columbia, or in which such birds, parts, nests, or eggs are transported by any means whatever from one State, Territory, or the District of Columbia to, into, or through another State, Territory, or the District of Columbia, or to a foreign country, for scientific purposes shall be plainly and clearly marked, labeled, or tagged, on the outside thereof to show the name and address of the consignor and consignee, the contents of the package, the number of the permit under authority of which it is transported, and that the specimens contained therein are for scientific purposes.

Regulation 10.—Permits to Kill Migratory Birds Injurious to Property

Community injury.—When information is furnished the Secretary that any species of migratory bird has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any particular community, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage should be killed, and, if so, during what times and by what means. Upon his determination an appropriate order will be made.

Specific injury.—Upon receipt by the Chief of the Bureau, or the regional director of the Bureau of Biological Survey in the region where the injury occurs, of information from the owner, tenant, or share cropper that migratory birds are injuring his crops or other property on the land on which he resides, together with a statement of the location of the land, the nature of the crops or property being injured, the extent of such injury, and the particular species of birds committing the injury, an investigation will be made and if it is determined from such investigation that the injury complained of is substantial and can be abated only by killing the birds, or so many thereof as may be necessary, a permit to kill the birds will be issued by said Chief of the Bureau or Director, in which permit will be specified the time during which, the means and methods by which, and the person or persons by whom the birds may be killed, and the disposition to be made of the birds so killed, and such other restrictions as may be deemed necessary and appropriate in the circumstances of the

particular case: *Provided, however*, That in every permit issued as aforesaid, it shall be specified that no such birds shall be shot at or killed at any time or in any manner not authorized by the laws of the State in which such permit is effective; and as to migratory waterfowl, that they shall not be shot at or killed (1) from any blind, sink, pit, or any other device or means of concealment, whether natural or artificial, movable or stationary, or on land or water; (2) by means of any gun larger than no. 10 gage, or of any gun to which a silencer has been attached or otherwise affixed; and (3) by the use of decoys of any description, or of traps or nets of any kind.

Every person exercising any privilege hereinbefore in this regulation provided for shall keep an accurate record of all migratory birds killed by him and whenever requested by the Chief of the Bureau or by the regional director shall submit promptly, on a form provided by the Bureau for the purpose, a report correctly stating the species and number of each species of migratory birds killed by him and in any event shall submit such report to the regional director on or before January 10 of each year. Failure to submit a report as required by this regulation will be sufficient cause for revocation of any permit or withdrawal of any privilege accorded any person failing to make the report.

Regulation 11.—State Laws for the Protection of Migratory Birds

Nothing in these regulations or in any permit issued thereunder shall be construed to permit the taking, possession, sale, purchase, or transportation of migratory birds, or parts, nests, or eggs thereof, contrary to the laws and regulations of any State or Territory, or the District of Columbia, made for the purpose of giving further protection to migratory birds, their nests, and eggs when such laws and regulations are not inconsistent with the conventions between the United States and any other country for the protection of migratory birds or with the Migratory Bird Treaty Act and do not extend the open seasons for such birds beyond the dates prescribed by these regulations.

Regulation 12.—Transportation of Game Mammals to and from Mexico

Game mammals, parts or products thereof, taken in and transported from a State, Territory, or the District of Columbia may be transported to Mexico, if the importation thereof is not prohibited by law or regulation of that country, upon presentation to the collector of customs at the port of exit of the certificate of an official, warden, or other officer of the game department of such State, Territory, or District, that such game mammals, or parts or products thereof, which must be listed in the certificate, were taken or acquired, and are being transported in compliance with the laws and regulations of such State, Territory, or District.

Live game mammals authorized by a special permit issued by the Secretary of Agriculture, pursuant to section 241 of the Penal Code, to be imported, and the dead bodies, parts or products of game mammals, proceeding from Mexico, if accompanied by a Mexican export permit, may be transported into the United States, but their possession in any State, Territory, or the District of Columbia will be subject to the laws of such State, Territory, or District.

The Migratory Bird Treaty Act regulations approved July 31, 1918 (40 Stat. 1912), and all amendments thereof are hereby revoked, but all regulations heretofore adopted and approved pursuant to said act closing areas of land and water or of land or water adjacent to migratory bird sanctuaries, refuges, reservations, and breeding and feeding grounds to the taking of migratory birds, and all orders and permits of the Secretary of Agriculture heretofore made or issued pursuant to said act and now in force authorizing the killing or other disposition of certain species of migratory birds when injurious to crops and other property and interests and the taking, possession, sale, purchase, exchange, or transportation of migratory birds and their nests and eggs for scientific purposes, and migratory waterfowl for propagating purposes, are hereby continued and extended in full force and effect as regulations, orders, and permits adopted and approved or made or issued hereunder.

OFFICIALS FROM WHOM COPIES OF GAME LAWS MAY BE OBTAINED

- Federal laws:** Secretary of Agriculture, Washington, D. C.; Chief, Bureau of Biological Survey, Department of Agriculture, Washington, D. C.; and regional directors of the Biological Survey with headquarters as follows: Pacific Region, 404 U. S. Court House, Portland, Oreg.; Mountain Region, 576 Custom House, Denver, Colo.; Southwestern Region, 404 Federal Building, Albuquerque, N. Mex.; West Central Region, 207—A Federal Office Building, Des Moines, Iowa; Southern Region, State College, Miss.; East Central Region, Michigan State College, East Lansing, Mich.; Southeastern Region, 1013 Glenn Building, Atlanta, Ga.; Northeastern Region, 310 Federal Building, Portland, Maine; North Central Region, 301 Federal Building, Minot, N. Dak.; Alaska, Alaska Game Commission, Juneau.
- Alabama:** Department of Game, Fish, and Seafoods, Montgomery.
- Alaska:** Executive Officer, Alaska Game Commission, Juneau; or Secretary of Agriculture, Washington, D. C.
- Arizona:** State Game Warden, Phoenix.
- Arkansas:** Secretary, Game and Fish Commission, Little Rock.
- California:** Executive Officer, Fish and Game Commission, Ferry Building, San Francisco.
- Colorado:** State Game and Fish Commission, Denver.
- Connecticut:** Superintendent of Fisheries and Game, Hartford.
- Delaware:** Chief Game and Fish Warden, Dover.
- District of Columbia:** Superintendent Metropolitan Police, Washington.
- Florida:** Commission of Game and Fresh Water Fish, Tallahassee.
- Georgia:** Director, Division of Wildlife, Department of Natural Resources, State Capitol, Atlanta.
- Hawaii:** Fish and Game Division, Board of Agriculture and Forestry, Honolulu.
- Idaho:** Fish and Game Warden, Boise.
- Illinois:** Director, Department of Conservation, Springfield.
- Indiana:** Director of Fish and Game, Conservation Department, State House, Indianapolis.
- Iowa:** Director, State Conservation Commission, Des Moines.
- Kansas:** State Fish and Game Warden, Pratt.
- Kentucky:** Game and Fish Commission, Frankfort.
- Louisiana:** Commissioner of Conservation, Court Building, New Orleans.
- Maine:** Commissioner of Inland Fisheries and Game, State House, Augusta.
- Maryland:** State Game Warden, 512 Munsey Building, Baltimore.
- Massachusetts:** Director, Division of Fisheries and Game, 20 Somerset Street, Boston.
- Michigan:** Director, Commission of Conservation, Lansing.
- Minnesota:** Commissioner, Department of Conservation, St. Paul.
- Mississippi:** Director of Conservation, State Game and Fish Commission, Jackson.
- Missouri:** State Conservation Commission, Jefferson City.
- Montana:** State Fish and Game Warden, Helena.
- Nebraska:** Director of Conservation, Game, Forestation, and Parks Commission, Lincoln.
- Nevada:** Secretary of State Fish and Game Commission, Reno.
- New Hampshire:** Fish and Game Commission, Concord.
- New Jersey:** Secretary of Board of Fish and Game Commissioners, Trenton.
- New Mexico:** State Game and Fish Warden, Santa Fe.
- New York:** Director of Fisheries and Game, Conservation Department, Albany.
- North Carolina:** Commissioner of Game and Inland Fisheries, Department of Conservation and Development, Raleigh.
- North Dakota:** Game and Fish Commissioner, Bismarck.
- Ohio:** Commissioner of Conservation, Columbus.
- Oklahoma:** State Fish and Game Warden, Oklahoma City.
- Oregon:** State Game Commissioner, 616 Oregon Building, Portland.
- Pennsylvania:** Executive Director, Board of Game Commissioners, Harrisburg.
- Rhode Island:** Chief, Division of Fish and Game, Department of Agriculture and Conservation, Providence.
- South Carolina:** Chief Game Warden, Columbia.
- South Dakota:** Director, Division of Game and Fish, Department of Agriculture, Pierre.
- Tennessee:** Director of Game and Fish, Department of Conservation, Nashville.
- Texas:** Executive Secretary, Game, Fish, and Oyster Commission, Austin.
- Utah:** Fish and Game Commission, Salt Lake City.
- Vermont:** Director, Fish and Game Service, Department of Conservation and Development, Montpelier.
- Virginia:** Executive Secretary, Commission of Game and Inland Fisheries, Richmond.
- Washington:** State Game Commission, 1301 Smith Tower, Seattle.
- West Virginia:** Director of Conservation, Charleston.
- Wisconsin:** Conservation Director, Madison.
- Wyoming:** State Game and Fish Commission, Cheyenne.
- Canada:** Commissioner, National Parks Bureau, Department of Mines and Resources, Ottawa.
- Alberta:** Game Commissioner, Edmonton.
- British Columbia:** Game Commission, 411 Dunsmuir Street, Vancouver.
- Manitoba:** Director of Game and Fisheries, Winnipeg.
- New Brunswick:** Chief Game Warden, Fredericton.
- Northwest Territories:** Director of Lands, Parks, and Forests, Department of Mines and Resources, Ottawa, Ontario.
- Nova Scotia:** Department of Lands and Forests, Halifax.
- Ontario:** Department of Game and Fisheries, Toronto.
- Prince Edward Island:** Game Inspector, Provincial Treasury Department, Charlottetown.
- Quebec:** General Superintendent of Fisheries and Game, Quebec.
- Saskatchewan:** Game Commissioner, Department of Natural Resources, Regina.
- Yukon:** Territorial Secretary, Dawson.
- Newfoundland:** Clerk, Game and Inland Fisheries, St. Johns.
- Mexico:** Jefe, Departamento Forestal y de Caza y Pesca, Calle de Edison 143, City of Mexico, D. F.



United States Department of Agriculture

BUREAU OF BIOLOGICAL SURVEY SERVICE AND REGULATORY ANNOUNCEMENTS

SUPPLEMENTARY REGULATIONS FOR THE ADMINISTRATION OF THE OKEFENOKEE WILDLIFE REFUGE, GEORGIA¹

[Issued August 17, 1937—2 F. R. 1684]

FISHING

1. Waters open to fishing.—The following waters of the refuge are designated as areas open to fishing, and fishing will not be permitted in any other waters unless and until further ordered: Suwanee (Okefenokee) Canal, Billys Lake, Minnie Lake, Big Water Lake, Chesser Prairie, Chase Prairie, Grand Prairie, and connecting boat runs.

2. State fishing laws.—Every person who fishes in any of the aforesaid waters must comply with the applicable fishing laws of the State of Georgia, and in the absence of any State law or regulation in respect to fishing seasons and number of fish that may be taken, the Chief of the Bureau of Biological Survey of the United States Department of Agriculture, hereinafter referred to as the Chief of the Bureau, may fix such seasons and limits; and in event he shall find that fishing in any of the aforesaid waters is unduly depleting any species of the fishes therein, he may suspend the privilege of fishing in such waters pending final determination by the Secretary of Agriculture.

3. Fishing permits.—No person is permitted to fish in the aforesaid waters until he has obtained a permit from the officer in charge, which permit shall be limited to the period specified therein, and such officer will not issue a permit until the applicant therefor exhibits to him a State fishing license, if such license is required by State law or regulation. The permit must be carried on the person of the permittee when exercising the privileges thereunder and must be exhibited upon request to any Federal or State officer authorized to enforce Federal and State fishing laws and regulations.

4. Special fishing restrictions.—Live bait shall not be used in fishing, and no seine shall be employed in taking minnows for bait in any of the waters of the refuge.

5. Fishing guides.—No person or group of persons to whom a permit has been issued for fishing in the aforesaid waters of the refuge shall engage in such fishing unless accompanied by a guide previously designated in writing by the officer in charge, except that such officer may waive this requirement as to any person or group of persons who he has reason to believe may safely be allowed on the refuge without a guide; and with respect to fishing in such of the aforesaid waters as he may specify from time to time, the Chief of the Bureau may waive the requirement that fishermen must be accompanied by a guide.

QUALIFICATIONS AND RESPONSIBILITIES OF GUIDES

6. Designating guides.—An applicant for the privilege of guiding on the refuge shall submit to the officer in charge application in writing on a form to be provided. If the applicant is found to have the necessary qualifications the officer in charge may issue to him a written designation as guide, as he also will to any person who similarly applies to be designated as assistant guide. Any designation as a guide or assistant guide may be revoked at any time by the officer in charge for failure of the guide or the assistant guide to cooperate with the officer in charge or his subordinates in the administration of the refuge, for

¹ General regulations for the administration of national wildlife refuges under the jurisdiction of the Bureau of Biological Survey are published in another number of this series, S. R. A.—B. S. 73, which contains also the text of certain applicable laws and regulations, including those relating to wildlife protection, hunting on national forests, and fires on the public domain.

willful violation of the regulations governing the administration of the refuge, for intoxication while on the refuge, or for discourteous or inefficient treatment of patrons. Every guide or assistant guide shall carry his designation on his person while rendering guide service on the refuge and shall exhibit it to any Federal or State officer authorized to enforce Federal and State fishing laws and regulations.

7. Qualifications of guides.—No person shall be designated as a guide unless he is a citizen of the United States; is of known good character and reputation; is familiar with the territory comprised within the refuge and with Federal and State laws and regulations governing fishing and entries for other purposes on the refuge; is in possession of such guide license as may be required by the laws or regulations of Georgia; and is equipped with necessary boats and other paraphernalia for service as a guide.

8. Guiding fees.—No guide shall charge for his services a fee or other compensation in excess of the amounts previously ascertained, determined, and declared by the Chief of the Bureau to be reasonable and fair for such services.

9. Duties and responsibilities of guides.—Every person designated as a guide shall comply with the following provisions, conditions, and requirements:

a. He shall be responsible for the orderly conduct of persons guided and shall immediately report to the officer in charge any disorderly conduct or violation of Federal or State laws or regulations applicable to the refuge.

b. Guides shall not undertake guide services for any person who does not exhibit a permit issued to him by the officer in charge authorizing entry on the refuge.

c. Every guide shall keep a record of the names and addresses of the persons guided by him and of the kinds and numbers of fishes taken by each one of them and of the waters from which taken, and as soon as practicable after each fishing trip shall submit a report of the aforesaid facts to the officer in charge on a form furnished therefor.

d. Every guide must exercise strict caution in the building of fires on the refuge and must totally extinguish every fire built by him and must extinguish, if possible, any fire discovered by him on the refuge or immediately report to the officer in charge any fire not promptly extinguishable. Every guide shall maintain vigilant care to protect property, wildlife, and vegetation on the refuge.

e. Every guide must render courteous, dependable, and efficient service to his patrons and so far as possible must protect them from hardship and danger.

f. Every guide must at all times maintain his boats in safe condition and in good working order and shall conspicuously display thereon the number assigned by the officer in charge.

g. In order to accommodate unusually large parties holding permits to enter the refuge on any one day, the guide engaged may employ assistant guides, previously designated as hereinbefore provided, and such guide shall be responsible and accountable for the conduct of such assistants as may be employed by him.

ENTRY ON REFUGE FOR SIGHTSEEING AND STUDY OF THE FAUNA AND FLORA

10. Permits for sightseeing and study.—No person is permitted to enter the refuge for sightseeing or to observe the fauna and flora unless authorized by permit issued to him by the officer in charge, which permit shall be limited to the period specified therein; such permit shall be carried on the person of the permittee while on the refuge and must be exhibited to any Federal or State officer authorized to enforce game and fish laws and regulations.

11. Sightseeing guides.—Every person or group of persons entering the refuge for the purpose of sightseeing or observing the fauna and flora shall be accompanied by a guide, designated as hereinbefore provided, and every such guide, in performance of services to such persons, shall be subject to the provisions, conditions, and requirements hereinbefore prescribed, and shall keep a record of the names and addresses of such persons guided by him and of the purposes for which they entered the refuge, and shall make a report thereon to the officer in charge at the conclusion of each employment as guide.

SPECIAL PROVISIONS APPLICABLE TO ALL PERSONS ENTERING THE REFUGE

12. Firearms.—The carrying of firearms on the refuge is not permitted except on the part of the officer in charge and other employees of the Department of

Agriculture and officers or employees of the State Department of Natural Resources of Georgia while engaged in the enforcement of fish and game laws.

13. Fires and camping.—Except as authorized by permit issued by the officer in charge, no person other than a guide shall build a fire on the refuge for any purpose, and special care must be taken to prevent lighted matches, cigars, or cigarettes or pipe ashes from being dropped in grass or other inflammable material. Camping on any part of the refuge except under permit issued by the officer in charge is not permitted.

14. Disorderly conduct.—Disorderly conduct of any nature, including intoxication, will not be tolerated on the refuge; any offender will be requested to leave immediately, and failing to do so he will be removed by the officer in charge or by his assistants. Presence on the refuge in an intoxicated condition shall ipso facto annul and forfeit any permit such intoxicated person may hold for any privilege on the refuge, and the permit will be taken up forthwith by the officer in charge or by his assistants.

15. Introducing extralimital wildlife.—Live fishes, frogs, snakes, or turtles taken elsewhere shall not be placed in any waters of the refuge unless authorized by a permit issued by the Chief of the Bureau.

The first of these is the fact that the United States is a young nation, and that its history is a history of growth and expansion. The second is the fact that the United States is a nation of immigrants, and that its history is a history of the struggle for a common identity. The third is the fact that the United States is a nation of free men, and that its history is a history of the struggle for freedom and justice.

The fourth is the fact that the United States is a nation of farmers, and that its history is a history of the struggle for the land. The fifth is the fact that the United States is a nation of workers, and that its history is a history of the struggle for the right to work.

The sixth is the fact that the United States is a nation of soldiers, and that its history is a history of the struggle for peace and security. The seventh is the fact that the United States is a nation of sailors, and that its history is a history of the struggle for the sea. The eighth is the fact that the United States is a nation of explorers, and that its history is a history of the struggle for the frontiers.

The ninth is the fact that the United States is a nation of inventors, and that its history is a history of the struggle for progress and innovation. The tenth is the fact that the United States is a nation of dreamers, and that its history is a history of the struggle for a better future.